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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

SOUTHERN DIVISION

1939 AGRICULTURAL CONSERVATION PROGRAM.....

SOUTHERN REGION BULLETIN.....

Pursuant to the provisions of the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program) Bulletin (ACP-1939), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, (hereinafter referred to as the AAA), payments and grants of aid will be made for participation in the Southern Region in the 1939 program in accordance with the provisions of this Southern Region Bulletin 301 (SRB-301) and such modifications thereof or other provisions as may hereafter be made. This Southern Region Bulletin includes all the provisions of said 1939 program bulletin which are applicable in the Southern Region, together with certain of the determinations authorized therein to be made by the AAA or the Director of the Southern Division.

The provisions of the 1939 program are necessarily subject to such legislation as Congress may enact. Payments and grants of aid will be made from appropriations made by Congress for this purpose only, and the amounts of such payments will be limited by the amount of such appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deductions may be increased or decreased by as much as 10 percent.

The provisions of the 1939 program contained in this bulletin are not applicable in the Southern Region to counties for which special agricultural conservation programs are approved for 1939 by the Secretary, or to land in which the beneficial ownership is in the United States, except that payments may be made upon the recommendation of the State committee and approval of the AAA to tenants and sharecroppers on such land in 1939.

SECTION I. NATIONAL AND STATE ACREAGE ALLOTMENTS AND GOALS

A. National Goals. - The national goals in connection with the 1939 program shall be as follows:

1. For soil-depleting crops:

Cotton.....	27,000,000	to	29,000,000	acres
Corn	-----	to	-----	acres
Wheat	53,000,000	to	57,000,000	acres
Tobacco:				
Flue-cured	-----	to	-----	acres
Burley	-----	to	-----	acres
Fire-cured and dark				
air-cured.....	-----	to	-----	acres
Cigar filler and binder..	-----	to	-----	acres
Georgia-Florida Type 62..	-----	to	-----	acres
Potatoes	-----	to	-----	acres
Rice	-----	to	-----	acres
Total soil-depleting crops	-----	to	-----	acres

2. The conservation of cropland not required in 1939 for the growing of soil-depleting crops; the restoration, insofar as is practicable, of a permanent vegetative cover on 6,000,000 acres of land unsuited to the continued production of cultivated crops; and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. National and State Acreage Allotments and Restoration Land Goals. - National and State acreage allotments of soil-depleting crops and State restoration land goals will be determined by the Secretary.

SECTION II. COUNTY ACREAGE ALLOTMENTS AND GOALS

The AAA with the assistance of State committees shall establish county acreage allotments for total soil-depleting crops, and for cotton, wheat, tobacco, and potatoes, and goals for restoration land as hereinafter set forth. The soil-depleting acreage allotments for all counties in each State shall not exceed the applicable acreage allotments established for the State by the Secretary except as otherwise provided in this bulletin.

A. Total Soil-Depleting Acreage Allotments. - County acreage allotments of total soil-depleting crops shall be established by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the average acreage of soil-depleting crops grown in such counties in whichever

of the periods of five or more consecutive years since 1927 the Administrator finds is most representative of normal conditions and the total soil-depleting acreage allotment established under the 1938 Agricultural Conservation Program (hereinafter referred to as the 1938 program), with due allowance for trends in acreage of soil-depleting crops, changes in area designations, and crop classifications, the acreage of food and feed crops needed for home consumption in the county, and the relationship of the usual acreage of individual soil-depleting crops to the 1939 acreage allotments in counties where allotments for individual soil-depleting crops are established.

B. Cotton Acreage Allotments. - (1) County cotton acreage allotments shall be determined as follows: The State acreage allotment of cotton less a reserve for new cotton farms ^{1/} shall be prorated among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under agricultural adjustment and conservation programs during 1933 to 1937, inclusive, except that the county allotment so determined shall be not less than 60 percent of the acreage planted to cotton in 1937 plus the acreage diverted from cotton in the county under the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program).

(2) If the AAA finds that there are one or more administrative areas in any county which because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from cotton under the 1937 program; or, if the AAA determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, the allotment shall be distributed on the basis of the cotton base acreages that were established under the 1937 Cotton Price Adjustment Payment Program. Allotments to farms within each administrative area shall be made in the manner provided in section III for the apportionment of county cotton acreage allotments among farms.

^{1/} This reserve shall not be more than 2 percent or any smaller part thereof as the AAA determines shall be required in the State in making allotments to farms on which cotton will be planted in 1939, but on which cotton was not planted in any of the years 1936, 1937, or 1938.

C. Wheat Acreage Allotments. - County wheat acreage allotments shall be established by distributing the State wheat acreage allotment among the counties pro rata on the basis of the acreage seeded to wheat plus in applicable years the acreage diverted under agricultural adjustment and conservation programs during the 10 years 1928 to 1937, inclusive, with adjustments for trends in acreage, abnormal weather conditions, and the promotion of soil-conserving practices. If, on account of abnormal weather conditions, the acreage seeded to wheat in a county in any year of such 10-year period was less than 50 percent or more than 150 percent of the average computed for the other nine years, such year shall be eliminated in calculating the average acreage seeded to wheat in such county. The average wheat acreage so determined shall be adjusted for trends in acreage by giving equal weight to the acreage seeded to wheat and diverted from wheat during the years 1935, 1936, and 1937, and to the acreages so seeded and diverted during the 10-year period 1928 to 1937, inclusive, as adjusted for abnormal weather conditions.

D. Tobacco Acreage Allotments. - County acreage allotments for each kind of tobacco shall be established by distributing the State acreage allotment among the counties on the basis of the acreage allotments of each such kind of tobacco established under the 1938 program taking into consideration allotments for small farms, trends in acreage, plant bed, and other diseases.

E. Potato Acreage Allotments. - Potato acreage allotments for counties in the areas designated by the Administrator as commercial potato-producing areas shall be established by distributing the State acreage allotment among such counties pro rata on the basis of the average acreage devoted to potatoes in such counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial potato-producing farms as reflected by the acreage planted to potatoes in 1937, as compared with the average acreage planted during such 5-year period, also taking into consideration the acreage of potatoes on non-commercial potato-producing farms.

F. Restoration Land Goals. - Restoration land goals shall be established in areas designated by the Administrator as being subject to serious wind erosion and in areas containing large acreages unsuited to continued production of cultivated crops. County restoration land goals shall be established by distributing the State goal among such counties on the basis of the amount of land in such counties which was cropped at least once since January 1, 1930, but on which, due to the physical condition and texture of the soil and because of climatic conditions, a permanent vegetative cover should be restored.

G. Soil-Building Goals. - Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

SECTION III. FARM ACREAGE ALLOTMENTS AND GOALS

The county committee, with the assistance of other local committees, shall establish acreage allotments, restoration land goals, and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the AAA. The soil-depleting acreage allotments established for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Administrator, and the sum of the acreage allotments for farms participating in the 1939 program shall not exceed their proportionate share of the county acreage allotments.

A. Total Soil-Depleting Acreage Allotment. - The total soil-depleting acreage allotment for any farm shall be established on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm taking into consideration allotments established for individual soil-depleting crops and in class B counties the acreage of food and feed crops needed for home consumption. The total soil-depleting acreage allotments shall be comparable for all farms in the same community which are similar with respect to the above factors. A total soil-depleting acreage allotment shall be established for each farm in area A and each farm in area B, on which the county committee finds, in accordance with instructions issued by the AAA, that general crops or livestock are produced on a commercial basis (which do not grow general crops and livestock for market).

B. Cotton Allotment. - (1) County cotton acreage allotments shall be apportioned among the farms on which cotton was planted in any one of the years 1936, 1937, and 1938. The allotment for each such farm shall be a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1938 which is tilled annually or in regular rotation, excluding the acres of such land normally devoted to the production of sugarcane for sugar, tobacco, or rice or wheat for market or for feeding to livestock for market, except that:

(a) If the highest acreage planted to cotton and diverted from cotton in any one of the three years 1936, 1937, and 1938 is five acres or less, the allotment shall be such highest number of acres if the county allotment is sufficient therefor;

(b) If the highest number of acres planted to cotton and diverted from cotton in any one of the three years 1936,

1937, and 1938 is more than five acres, the allotment shall not be less than five acres if the county allotment is insufficient therefor;

(c) Notwithstanding the foregoing provisions of this paragraph (1), not more than 3 percent of the county allotment less the allotments to small farms made under clauses (a) and (b) above may be apportioned among farms in the county on which cotton was planted in 1936, 1937, or 1938, and for which the allotment otherwise provided is 5 to 15 acres, inclusive, and less than the highest number of acres planted to cotton and diverted from cotton in any one of the years 1936, 1937, and 1938.

In making allotments under clause (c) consideration shall be given to the land, labor, crop rotation practices, soil and other facilities affecting the production of cotton. In no event shall the apportionment under this clause (c) result in an allotment in excess of 15 acres or the highest number of acres planted to cotton and diverted from cotton in any one of the three years 1936, 1937, and 1938. In no event shall any allotment under this paragraph (1) exceed the highest acreage planted to cotton and diverted from cotton in any one of the years 1936, 1937, and 1938.

(2) If the county allotment is insufficient to provide allotments to farms which are adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms, under instructions issued by the AAA, a part of a State reserve equal to 4 percent of the State acreage allotment that is necessary to give such farms allotments in conformity with paragraph (1) which are as nearly adequate and representative as such 4 percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (a) and (b) of paragraph (1).

(3) Notwithstanding the provision of paragraph (1) above, the allotment for any farm shall be increased by the amount necessary to provide an allotment of not less than 50 percent of the acreage that was planted to cotton in 1937 and diverted from cotton under the 1937 program, except that the allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage which is tilled annually or in regular rotation.

(4) That portion of the State acreage allotment not apportioned among the counties under section II, subsection B, paragraph (1) shall be apportioned to farms on which cotton will be planted in 1939, but on which no cotton was planted in any of the years 1936, 1937, or 1938. This apportionment shall result in comparable allotments to farms similar with respect to land, labor, equipment, crop rotation practices, soil and other physical

facilities affecting the production of cotton. The county committee shall report to the AAA through the State committee the acreage required for the allotments to such farms, together with any substantiating data that the AAA may require. The AAA shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

C. Wheat Allotment. - Wheat allotments shall be determined for farms on which wheat was seeded for harvest in one or more of the years 1936, 1937, 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county allotment shall be apportioned to farms on which no wheat was seeded for harvest in any one of the three years 1936, 1937, 1938. This apportionment to farms shall be made on the basis of tillable acreage, crop rotation practices, type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable. Allotments for 1939 will be established for all farms on which 100 bushels or more of wheat are normally produced for market. In addition, in areas designated by the Administrator in which practically all wheat planted is for market, allotments may be established for all farms, except that in portions of such areas designated by the Administrator as containing a substantial number of small wheat-producing farms no allotment will be established for farms if the allotment would be 8 acres or less and the persons having an interest in the wheat elect, at or before the time performance is checked, to have such farm considered as a non-allotment farm for wheat.

D. Tobacco Allotment. - Allotments for each kind of tobacco shall be determined on the basis of past acreage of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant-bed and other diseases; land, labor, equipment, crop rotation practices, soil, and other physical factors affecting the production of tobacco. The allotment for any farm on which tobacco was grown in one or more of the years 1935 to 1938, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors, except that in the case of flue-cured, Burley, fire-cured and dark air-cured tobacco, special consideration shall be given to farms for which allotments are small. The allotment for any farm on which tobacco is to be produced in 1939 for the first time since 1934 shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since 1934 which are similar with respect to land, labor, equipment, crop rotation practices, soil and other physical factors affecting the production of tobacco.

E. Potato Allotment. - In commercial potato-producing areas, allotments shall be determined for each farm on which potatoes are normally produced for market except farms on which the acreage normally planted to potatoes is determined to be less than three acres. No allotment shall be less than three acres. Allotments shall be established on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

F. Rice Allotment. - (1) A rice acreage allotment shall be determined for each farm on which rice is grown in 1939 on the basis of the rice acreage apportioned to the persons participating in the production of rice on such farm in 1939 and allocated by them to such farm; the acreage on the farm suited to rice production and for which water is readily available, and the acreage of rice customarily grown by such persons. The rice acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

(2) The State rice acreage allotment (less ___ percent or such smaller part thereof as the Administrator determines) shall be required in the State for apportionment as provided in paragraph (3) below shall be apportioned by the State committee, in accordance with instructions issued by the Agricultural Adjustment Administration, among the persons in the State who have produced rice in one or more years during the period 1934 to 1938, inclusive, and who are participating in the production of rice in 1939. This apportionment shall be made on the basis of their production of rice during the years 1934 to 1938, inclusive; the land, labor, equipment, available water, crop rotation practices, soil fertility, and other physical factors affecting the production of rice.

(3) That portion of the State rice acreage allotment not apportioned among farms pursuant to paragraph (2) above shall be apportioned by the State committee, in accordance with instructions issued by the Agricultural Adjustment Administration, among the persons in the State who are producing rice in 1939, but who did not produce rice during 1934 to 1938, inclusive. This apportionment shall be made on the basis of land, labor, equipment, available water, crop rotation practices, soil fertility, and other physical factors affecting the production of rice, Provided, That the acreage allotment for any person who is producing rice in 1939, but who did not produce rice during 1934 to 1938, inclusive, shall not exceed 75 percent of the rice acreage allotment that would have been made for him if he had produced rice in one or more of the years 1934 to 1938, inclusive.

G. Restoration Land Goal. - Restoration land goals shall be determined on the basis of the land in the farm which was designated as restoration land under the 1938 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

H. Soil-Building Goal. - The goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under section IV, subsection H, except that in counties in the Southern Great Plains Area designated by the Administrator as areas subject to serious wind erosion, the goal for any farm shall not be less than one unit for each \$5.00 of the total payment computed for the farm under section IV, and for any farm within such area owned or leased by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes, the goal shall not be less than one unit for each \$2.00 of the total payment computed for the farm under section IV, and Provided, Further, That for any farm in area A on which the acreage of soil-depleting crops exceeds the farm's total soil-depleting acreage allotment, but does not exceed 25 acres, the soil-building goal shall be increased by 3 units for each acre of soil-depleting crops in excess of the farm's total soil-depleting acreage allotment or the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under section IV, subsection G, whichever is the smaller. The goal shall represent the number of units of applicable practices to be carried out. The county committee shall assist farmers in determining what practices are to be carried out in meeting the goal. These practices should be those most needed to conserve and improve soil fertility and prevent wind and water erosion, and should not be routine farming practices.

SECTION IV. PAYMENT FOR FULL PERFORMANCE

The amount of payment for full performance on any farm shall be the sum of the following:

A. Cotton. - 1.8 to 2.0 cents per pound of the normal yield per acre for the farm for each acre in the cotton acreage allotment; or, if the acreage planted to cotton is less than 80 percent of the cotton acreage allotment, payment will be made on 125 percent of the acreage planted to cotton unless the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought.

B. Wheat. - 16 to 18 cents per bushel of the normal yield per acre for the farm for each acre in the wheat acreage

allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment, payment will be made on 125 percent of the acreage planted to wheat unless the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought.

C. Tobacco. - The following number of cents per pound of the normal yield per acre for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

- (1) Burley cent
- (2) Flue-cured cent
- (3) Fire-cured and dark air-cured cents
- (4) Georgia-Florida Type 45 cent
- (5) Georgia-Florida Type 62 cents

except that if the acreage planted to Georgia-Florida Type 45 tobacco is less than 80 percent of the acreage allotment therefor payment will be made on 125 percent of the acreage planted to Georgia-Florida Type 45 tobacco unless the county committee finds that the failure to plant 80 percent of the allotment was due to flood, drought, or plant-bed diseases.

D. Potatoes. - 3 cents per bushel of the normal yield of potatoes for the farm for each acre in the potato acreage allotment, or if the acreage planted to potatoes is less than 80 percent of the allotment, payment will be made on 125 percent of the acreage planted to potatoes unless the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought.

E. Rice. - 0.08 to 0.10 of a cent per pound of the normal yield per acre for the farm for each acre in the allotment, or if the acreage planted to rice is less than 80 percent of the allotment, payment will be made on 125 percent of the acreage planted to rice, unless the county committee finds that failure to plant 80 percent of the allotment was due to flood or drought.

F. General Soil-Depleting Crops in Area A. - \$1.00 per acre, adjusted for productivity, for each acre in the total soil-depleting acreage allotment for the farm in excess of the sum of (1) the acreage used in computing payments for the wheat, potato, rice, cotton, and tobacco allotments; and (2) the acreage of sugar beets planted on the farm in 1938.

G. Restoration Land Goal. - 50 cents per acre for each acre in the restoration land goal for the farm.

H. Soil-Building Practice Payments. - (1) 50 cents per acre of cropland in excess of the total soil-depleting acreage allotment for the farm (applicable only to farms in area A).

(2) 70 cents per acre of cropland in excess of the sum of (1) the acreages used in computing payments for the corn, wheat, potato, rice, cotton, and tobacco allotments; and (2) the acreage of sugarcane for sugar planted on the farm in 1939 (applicable only to farms in area B and area C).

(3) \$1.50 per acre of the average acreage of commercial vegetables grown on the farm in 1936 and 1937.

(4) \$1.50 per acre of commercial orchards on the farm January 1, 1938.

(5) (a) 2 cents per acre of non-crop open pasture land plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture on farms in area A.

(b) 25 cents per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land on farms in area B.

SECTION V. PAYMENTS FOR PARTIAL PERFORMANCE

Payments computed under the provisions of section IV shall be subject to the following deductions:

A. Cotton. - 3.6 to 4 cents (5 cents) per pound of the normal yield for the farm for each acre planted to cotton in excess of the cotton allotment.

B. Wheat. - (Farms in areas in which wheat allotments may be established for all farms) 50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of the allotment if an allotment is established or, if no allotment is established, for each acre in excess of 8 acres harvested for grain or hay.

C. Wheat. - (Farms in areas in which wheat allotments are established only for farms normally producing 100 bushels or more of wheat for market) 50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of the wheat allotment if an allotment is established, or if no allotment is established for each acre of wheat harvested for grain or hay in excess of (1) 8 acres, or (2) the usual acreage of wheat harvested for grain or hay, whichever is greater.

D. Tobacco. - The following rates per pound of the normal yield for the farm for each acre in the allotment for each of the following kinds of tobacco in excess of the applicable tobacco allotment:

- | | | |
|-----|-------------------------------------|-------|
| (1) | Burley | cents |
| (2) | Flue-cured | cents |
| (3) | Fire-cured and dark air-cured | cents |
| (4) | Georgia-Florida Type 45 | cents |
| (5) | Georgia-Florida Type 62 | cents |

E. Potatoes. - _____ cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the allotment if an allotment is established, or if no allotment is established and the farm is in a designated commercial potato-producing area, for each acre planted for market in excess of 3 acres.

F. Rice. - _____ cents per pound of the normal yield for the farm for each acre planted to rice in excess of the allotment.

G. General Soil-Depleting Crops. - (Farms in area A)
\$ _____ per acre, adjusted for productivity, for each acre of crops classified as soil-depleting in excess of (1) the total soil-depleting acreage allotment for the farm plus the acreages for which deductions are computed under subsections A to F, inclusive, of this section V, or (2) 25 acres, whichever is greater.

H. General Soil-Depleting Crops. - (Farms in area B for which (a special crop acreage allotment and) a total soil-depleting acreage allotment (are) is established; (or for which no special crop acreage allotment is established, but for which a total soil-depleting acreage allotment is established, and on which the acreage classified as soil-depleting exceeds 50 acres and exceeds the total soil-depleting allotment and the county committee determines that the increase in soil-depleting crops was not due to the rotation of crops normally followed on the farm) \$5.00 for each acre of crops classified as soil-depleting in excess of (1) the total soil-depleting acreage allotment for the farm plus the acreages for which deductions are computed under subsections A to F, inclusive, of this section V, or (2) the acreages of crops for which special allotments are established plus 25 (20) acres, whichever is greater.

I. Commercial Vegetables. - (Farms in area C for which a special allotment is established) \$20.00 for each acre planted to commercial vegetables in excess of (1) the usual acreage of commercial vegetables or (2) 3 acres, whichever is greater.

J. Soil-Building Goal. - \$1.50 for each unit by which the soil-building goal is not reached.

K. Restoration Land Goal. - \$1.00 for each acre of restoration land on which approved conservation measures are not carried out in 1939.

L. Cropping Restoration Land. - \$3.00 for each acre of restoration land designated in 1938 or 1939 which is plowed or tilled in 1939 for any purpose other than tillage practices necessary to protect the land from wind erosion or for the seeding of perennial grasses.

M. Failure to Prevent Wind and Water Erosion. - \$1.00 for each acre of land other than restoration land, in areas designated by the Administrator as subject to serious wind and water erosion, on which approved measures for the prevention of wind and water erosion are not adopted in 1939.

N. Breaking Out Native Sod. - \$3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established which, in areas designated by the Administrator as being subject to serious wind erosion or areas containing large acreages unsuited to continued production of cultivated crops, is broken out during the period November 1, 1938 to October 31, 1939, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such cropland to be in addition to that designated as restoration land.

SECTION VI. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and Deductions for Acreage Allotments and Restoration Land Goals. - (1) The net payment or net deduction computed for any farm for the cotton, rice, wheat, tobacco, or potato allotment, or general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either proportionate acreages or percentages) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton, rice, wheat, tobacco, potatoes, or general crops, respectively, grown on the farm in 1939.

(2) The net payment or net deduction computed for the restoration land goal for any farm (or for any tract, on a farm which consists wholly or in part of field-rented or separately-owned tracts) which is owned by one person and operated by another person shall be divided equally between the owner and the operator thereof, unless the county committee determines that such persons did not contribute equally to the designated restoration land or the carrying out of restoration land measures thereon. In the latter event, the net payment or net deduction shall be divided in the proportion that the county committee determines that such owner and operator contributed to such restoration land or the carrying out of restoration land measures thereon. In the event that restoration land is designated for a farm which is not operated in 1939, the net payment or net deduction, if any, shall be attributed to the owner of such farm.

(3) In computing payments and deductions with respect to acreage allotments, general crops, and restoration land goals, the deduction with respect to (1) commercial vegetables and corn for grain in Area C, (2) general crops in area B, (3) failure to prevent wind and water erosion, (4) cropping restoration land, and (5) breaking out of native sod, shall be regarded as pro rata deductions with respect to the payments computed under Section 4 in connection with crop acreage allotments and the restoration land goal: Provided, That on any farm for which no payment is computed under Section 4 in connection with crop acreage allotments or a restoration land goal, such deductions shall be regarded as deductions with respect to the soil-building goal and any amount of such deductions shall be divided equally between the landlord and tenants on such farms.

(4) If cotton, rice, wheat, tobacco, potatoes or general crops are not harvested in 1939 on the farm, or if the county committee, in accordance with instructions issued by the A.A.A., finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deduction for the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if they had been harvested on the farm in 1939 or if the acreage of such crop(s) had not been so reduced.

B. Soil-building Practice Payments. - The payment for carrying out soil-building practices on the farm shall be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1939, the payment shall be divided in the proportion that the units contributed by each person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units unless such persons prove to the county committee that their contributions were not equal in equal proportion, in whichever event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

C. Proration of Net Deductions. - If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons with respect to such farm, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments.

If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deductions shall be prorated among the persons on the

farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

SECTION VII. INCREASE IN SMALL PAYMENTS

The total payment computed under sections IV to VI, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents, but less than \$1.00, shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

(Same as for 1938)

SECTION VIII. PAYMENTS LIMITED TO \$10,000

The total of all payments made in 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including any payment received in Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

SECTION IX. DEDUCTIONS INCURRED ON OTHER FARMS

A. Other Farms in the Same County. - If the deductions computed under section V for any farm in a county exceed the payment for such farm computed under section IV, a landlord's or tenant's share of the amount by which the deduction exceeds the payments shall be deducted from the landlord's or tenant's share of the payment which would otherwise be made to him for performance on any other farms in the county.

B. Other Farms in the State. - If the deductions computed for a landlord or tenant for one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for the landlord or tenant for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which such net

deductions are computed substantially offset the contribution to the program made on such other farms.

SECTION X. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments for any farm all or any part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SECTION XI. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such material to the Agricultural Adjustment Administration in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm the amount of such difference shall be repaid by him to the Secretary.

SECTION XII. GENERAL PROVISIONS RELATING TO PAYMENTS

A. Payment Restricted to Effectuation of Purposes of the Program. - (1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (a) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments except those for carrying out restoration land measures and soil-building practices shall be computed for any farm which is otherwise idle in 1939.

(3) In areas designated by the Administrator as areas subject to serious wind erosion in 1939, no payment will be made to any person on any farm which such person owns or operates in a county, if he allows a part of the cultivated acreage in such farm to become a wind erosion hazard during 1939. Any person who fails to carry out wind erosion control measures approved by the county committee will be deemed to have allowed his farm to become a wind erosion hazard.

B. Payment Computed and Made Without Regard to Claims. - Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection D of this section XII) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. - If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to him under the 1938 program, payments to the landlord under the 1939 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person under the 1939 program.

D. Assignments. - Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939.

No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the AAA.

Nothing contained in this section XII shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

E. Excess Cotton Acreage. - Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1939 shall file with such application a statement that the applicant has not knowingly planted, or caused or permitted the planting of cotton during 1939 on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1939, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants, or causes or permits the planting of cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm for 1939 shall not be eligible for any payment under the provisions of the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

F. Use of Soil-Conserving Crops for Market. - Payment will be made for any farm on which in 1939 the acreage of cropland or restoration land, not devoted to soil-depleting crops, and withheld from the production of soil-conserving crops for market, is equal to the acreage by which the normal acreage of soil-depleting crops exceeds the larger of (1) the total soil-depleting acreage allotment or (2) the acreage devoted to soil-depleting crops in 1939. If such number of acres on the farm is not withheld from the production of soil-conserving crops for market, payment will be made to any farmer (1) if in the county in which the farm is located the number of cows kept for the production of milk or milk products for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or milk products for market does **not** exceed the normal number of such cows; or (3) if the AAA determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than 10 percent of the milk or milk products produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions unless (1) the number of cows kept for the production of milk in the county exceeds by more than 5 percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed 5 percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds two cows per farm and exceeds two cows per 160 acres of farm land.

The counties which are not deemed to be in substantial compliance on the basis of the above provisions are as follows:

The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or milk products for market shall be determined for any farm in accordance with instructions issued by the AAA.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland except those listed in the definition of soil-depleting acreage in section XVIII hereof.

SECTION XIII. APPLICATION FOR PAYMENT

A. Persons Eligible to File Applications. - An application for payment for a farm may be made by any person who, under the provisions of section VI shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1939 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

B. Time and Manner of Filing Application and Information Required. - Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Applications for Other Farms. - If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must make application for payment on all such farms which he operates or rents to other persons. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof.

SECTION XIV. SOIL-BUILDING PRACTICES

The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein, when such practices are carried out in 1939 in accordance with specifications issued by the Director of the Southern Division or by the State committee with the approval of the Director. The areas, if any, designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the AAA shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the AAA and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half

of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal: Provided, That labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any.....State agency" within the meaning of this paragraph.

Wind erosion control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on land owned or leased by a conservation district, conservation association organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

The unit credits listed below are the maximum units allowable, and the credit for any practice on any item included may be adjusted downward by the State committee with the approval of the Administrator.

Schedule of Soil-Building Practices

A. Each of the following practices in the amounts specified shall be counted as one unit: Provided, That when the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, or Natal grass seeded or grown with a soil-depleting crop, no part of the material applied shall be counted as is specified by the AAA.

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, Crotalaria, Natal grass, or permanent pasture.

2. Application of 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, Crotalaria, Natal grass, or permanent pasture.

3. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

4. Construction of reservoirs and dams - 10 cubic yards of material moved in making the fill or excavation. (Applicable only in Texas and Oklahoma.)

5. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes - 10 pounds of seed.

6. Contour ridging of non-crop open pasture land - 750 linear feet of ridge or terrace.

7. Application of not less than two tons, air dry weight, of straw or equivalent mulching materials, excluding barnyard and stable manure, per acre in orchards or on commercial vegetable land.

8. Application of 1,500 pounds of ground limestone or its equivalent.

9. Restoration of non-crop open pasture by non-grazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period. (Applicable only to Class A farms.)

B. Each acre of the following shall be counted as one unit:

10. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redbud) or mixtures (other than a mixture consisting solely of timothy and redbud) containing perennial grasses, perennial legumes, or biennial legumes (except alfalfa and permanent pasture mixtures qualifying under practices No. 13 and 16 of subsection C of this section XIV.

11. Seeding winter legumes, annual Lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover.

12. Green manure crops and cover crops (excluding (1) Lespedeza, (2) any crop for which credit is given in 1939 under any other practice, and (3) wheat in Oklahoma and Texas) of which a good stand and good growth is (a) plowed or disced under on land not subject to erosion, or if subject to erosion, such crop is followed by a winter cover crop, or (b) left on land subject to erosion or in orchards or on commercial vegetable or potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

13. Seeding adapted varieties of alfalfa.

14. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between July 1, 1935 and July 1, 1939.

15. Green manure (excluding any crop for which credit is given in 1939 under any other practice) crops of which a good stand and a good growth (which is not pastured or used for grain, hay, seed, or forage) is plowed or disced under (or left on the land in orchards or on commercial vegetable or potato land) on farms on which the average acreage of land on which commercial vegetables or commercial orchards were grown in 1936 and 1937 exceeds 50 percent of the acreage of cropland in the farm in excess of the sum of the potato acreage allotments established for the farm.

16. Seeding permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop (applicable only on Class B farms).

D. Each acre of the following shall be counted as three units:

17. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

E. Each acre of the following shall be counted as four units:

18. Establishment of a permanent vegetative cover by planting crowns of Kudzu.

F. Each acre of the following shall be counted as five units:

19. Planting forest trees (including shrubs in protective plantings) provided such trees are protected and cultivated in accordance with good tree culture practice.

20. Control of seriously infested plots of bindweed (*Convolvulus Arvensis*) on cropland in organized weed control districts, including counties where county officials are cooperating under the State control law, in accordance with good chemical methods (applicable only in Oklahoma).

G. Each two acres of the following shall be counted as one unit:

21. Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is left on the land or plowed or disced under.

23. Seeding timothy or reedtop or a mixture consisting solely of timothy and reedtop.

H. Each four acres of the following shall be counted as one unit:

24. Leaving on the land as a protection against erosion the stalks of sorghums or Sudan grass, classified as soil-depleting, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940. This practice is applicable only in the following counties:

OKLAHOMA - Beaver, Cimarron, and Texas.
TEXAS - Dallam, Deaf Smith, Hansford,
Hartley, Hutchinson, Lipscomb, Moore,
Ochiltree, Oldham, and Sherman.

25. Contour listing or furrowing non-crop land.

26. Stripcropping other than for protection of summer-fallowed acreage.

27. Protecting summer-fallowed acreage from wind and water erosion by contour or basin listing, strip-cropping, or incorporating small-grain stubble and straw into the surface soil. No credit will be given for this practice on any farm when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover has resulted in the land becoming subject to serious wind erosion. This practice is applicable only in the following counties and all other counties in Oklahoma and Texas lying west of these counties:

OKLAHOMA - Kay, Noble, Logan, Oklahoma,
Canadian, Grady, Comanche, and Cotton.
TEXAS - Clay, Jack, Palo Pinto, Erath, Hamilton,
Lampasas, Burnett, Blanco, Kendall,
Bardera, Medina, Atascosa, Live Oak,
Jim Wells, and Kleberg.

I. Each eight acres of the following shall be counted as one unit:

28. Contour farming intertilled crops. (Applicable only on class A farms.)

29. Contour listing or basin listing on the contour. (Applicable only in Oklahoma and Texas.) No credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

J. Each ten acres of the following shall be counted as one unit:

30. Contour seeding of small-grain crops for harvest in 1939. (Applicable only on Class A farms in Arkansas, Oklahoma, and Texas.)

31. Natural vegetative cover or small-grain stubble of crops harvested in 1939 left on cropland not tilled after July 1, 1939, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940. This practice is applicable only in the following counties:

OKLAHOMA - Beaver, Cimarron, and Texas.

TEXAS - Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman

32. Contour cultivation with a shallow furrowing or shovel-type implement following small grain crop harvested in 1939, furrows being not more than 20 inches apart. (Applicable only in designated wind erosion counties.)

SECTION XV. NORMAL YIELDS AND PRODUCTIVITY INDEXES

A. Normal Yields of Special Soil-Depleting Crops. - The county committee with the assistance of other local committees in the county shall determine for each farm for which a cotton, corn, wheat, rice, tobacco, or potato acreage allotment is established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the AAA.

1. Cotton. - (a) Where reliable records of the actual average yield of cotton per acre for the years 1934 to 1938, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for abnormal weather conditions in accordance with instructions issued by the AAA.

(b) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period.

(c) The yields determined under paragraph (b) of this subdivision 1 shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton allotments established for such farms) shall conform to the county or administrative area average yield established by the Secretary.

2. Wheat. - (a) Where reliable records of the actual average yield per acre of wheat for the years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the AAA.

(b) If for any year of such 10-year period reliable records of the actual average yield are not available or there was no actual yield because the commodity was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 10-year period. Where the productivity index most recently established for the farm under the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(c) The yields determined under paragraph (b) of this subdivision 2 shall be adjusted so that the average of the normal yields for all farms in the county (weighted wheat allotments established for such farms) shall conform to the county average yield established by the Secretary.

3. Rice. - (a) Where reliable records of the actual average yield of rice per acre for the years 1934 to 1938, inclusive, are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(b) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (a) of this subdivision 3.

(c) If the average of the normal yields for all farms participating in the 1939 program in the State (weighted by the rice allotments) exceeds the average yield per acre for the State during the period 1934 to 1938, inclusive, established by the Secretary, the normal yields for such farms, determined under paragraphs (a) and (b) of this subdivision 3, shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

4. Tobacco and potatoes. - The normal yield of tobacco, or potatoes, as the case may be, for any farms shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1939 with due consideration for type of soil, drainage, production practices, general fertility of the land, and the yield of such crop customarily secured on the farm. The average yield for all farms in any county for any such crop shall not exceed the county average yield for the crop established by the Secretary.

B. Productivity Indexes. - The Secretary shall establish for each county ^{2/} in area A a county productivity index or per-acre rate which will vary among the counties as the productivity of the cropland in the county devoted to the production of general crops varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

^{2/} For the purposes of this subsection B, the term "county" shall be deemed to include "administrative area".

A productivity index or rate per acre shall be established in accordance with instructions issued by the AAA for each farm participating in the program in area A by the county committee, subject to the approval of the State committee. Such productivity index or rate per acre shall be based upon the normal yield per acre for the farm of the principal general crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal general crop in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity of the farm may be used, provided that the productivity index or rate per acre for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes or rates per acre for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index or per-acre rate for all farms in the county shall not exceed 100 or the county per-acre rate, respectively, unless it is determined that farms for which such indexes or rates per acre are established are not representative of all farms in the county and a variation from 100 or the county per-acre rate is approved by the AAA.

SECTION XVI. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee regarding any farm in which he has an interest may, within 15 days after notice is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters: (a) Eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

SECTION XVII.. STATE AND REGIONAL BULLETINS,
INSTRUCTIONS, AND FORMS

The AAA shall prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1939 program.

SECTION XVIII. DEFINITIONS

For the purposes of the 1939 program -

SECRETARY means the Secretary of Agriculture of the United States.

ADMINISTRATOR means the Administrator of the AAA.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

AREA A means Oklahoma, Texas (except the counties and administrative areas of _____) and the following counties and administrative areas of Arkansas:

(To be supplied)

AREA B means those portions of the Southern Region not included in areas "A" and "C".

AREA C means the following counties in Florida: (To be supplied)

STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the 1939 program in such State.

COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the 1939 program in such county.

COUNTY means the political or civil division of a State designated as a county or in the State of Louisiana as a parish.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD means a person who owns land and rents such land to another person or operates such land.

SHARECROPPER means a person who works on a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the AAA, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops: Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that:

- (a) There is one crop rotation system on the entire area of land;

- (b) The yields and productivity of the different ownerships do not vary substantially;

- (c) The combination is not being made for the purpose of increasing acreage allotments or primarily for the purpose of effecting compliance; and

- (d) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the cropland is located.

CROPLAND means farm land which in 1938 was tilled annually or in a regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community.

RESTORATION LAND means farm land, in areas designated by the Administrator as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, which has been cropped at least once since January 1, 1930, and which is designated by the county committee and the owner or operator of such land as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1938 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas and sweet corn for canning, and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

SOIL-DEPLETING ACREAGE means the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(1) Corn planted for any purpose except soym or close-drilled corn used as a cover crop or green manure crop and sweet corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco planted for any purpose.

(3) Grain sorghums planted for any purpose (except when a good stand and a good growth is plowed or disced under as a green manure crop before heading, in the following counties in Texas and in all counties in Texas lying east of those counties: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Nueces and Kleberg).

(4) Cotton normally having a staple length of less than 1-1/2 inches which reaches the stage of growth at which bolls are first formed.

- (5) Sugar beets planted for any purpose.
- (6) Sugarcane planted for any purpose.
- (7) Rice planted for any purpose.
- (8) Peanuts harvested for nuts or dug for hay.
- (9) Broomcorn harvested for any purpose.
- (10) Mint harvested for any purpose.
- (11) Cultivated sunflowers harvested for any purpose.
- (12) Truck and vegetable crops (including strawberries, melons, and sweetpotatoes), harvested for any purpose except when grown in home gardens for use on the farm.
- (13) Potatoes planted for any purpose except when grown in home gardens for use on the farm.
- (14) Commercial bulbs and flowers harvested for any purpose.
- (15) Canning peas and freezing peas harvested for any purpose except when grown in home gardens for use on the farm.
- (16) American-Egyptian cotton, Sea Island cotton, or any other cotton, the staple of which is normally 1-1/2 inches or more in length, harvested for any purpose.
- (17) Wheat planted for any purpose, except (1) when seeded in a mixture containing less than 50 percent by weight of wheat or containing 25 percent or more by weight of rye, barley, vetch, Austrian winter peas, or other winter legumes, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop could not be harvested as wheat for grain or seed; and (2) when used only for pasture or a cover crop on farms for which wheat acreage allotments are not established. Volunteer wheat which remains on the land until after April 15, 1939, shall be considered as if planted.
- (18) Oats, barley, rye, flax, emmer, spelts, or mixtures of these crops harvested for grain or hay except (1) when such crops are used as nurse crops for legumes or perennial grasses of which a good stand is established in 1939 and the nurse crop is pastured or cut green for hay, or (2) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes.

(19) Buckwheat, sweet sorghums, Sudan grass, or millet harvested for grain, seed, syrup, or used in any area in any other manner determined by the Administrator to be soil-depleting in such area.

(20) Soybeans harvested for seed for crushing.

(21) Summer-fallowed acreage not protected from wind and water erosion by methods approved by the State committee.

ACREAGE PLANTED TO COTTON means the acreage seeded to cotton, the staple of which is normally less than 1-1/2 inches in length, which reaches a stage of growth at which bolls are first formed, and means also for purposes of section IV any acreage seeded to cotton, the staple of which is normally less than 1-1/2 inches in length, which because of flood, hail, drought, insects, or other uncontrollable natural causes, fails to reach the stage of growth at which bolls are first formed.

ACREAGE PLANTED TO POTATOES means the acreage seeded to potatoes for any purpose.

ACREAGE PLANTED TO RICE means the acreage seeded to rice for any purpose.

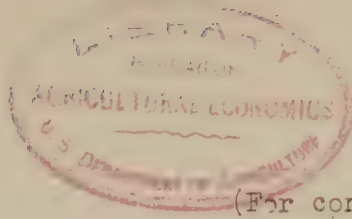
NON-CROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of soil-depleting acreage except sugar beets and sugarcane for sugar and the crops for which special crop acreage allotments are established on the farm.

SPECIAL CROP ACREAGE ALLOTMENT means a cotton, wheat, tobacco, rice, or potato acreage allotment.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

SRB-301A
Preliminary



(For conference and discussion purposes only)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1939 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN FOR THE A AREA

(Applicable to farms in Oklahoma and designated counties
or administrative areas in Arkansas and Texas)

Pursuant to the provisions of the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program) Bulletin (ACP-39), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration (hereinafter referred to as the AAA), payments and grants of aid will be made for participation in the A area of the Southern Region in the 1939 program in accordance with the provisions of this Southern Region Bulletin 301 for the A Area (SRB-301A) and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1939 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made from appropriations made by Congress for this purpose only, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deductions may be increased or decreased by as much as 10 percent.

The provisions of the 1939 program contained in this bulletin are not applicable (except section XIII B) to counties in the A area of the Southern Region for which special agricultural conservation programs are approved for 1939 by the Secretary or to land in which the beneficial ownership is in the United States.

Section I. Cotton.

A. National Goal. The 1939 national goal for cotton is 27,000,000 to 29,000,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. (1) County allotments shall be determined as follows: The State allotment less a reserve for new cotton farms 1/

1/ This reserve shall be 2 percent of the State allotment and is to be used in the State in making allotments to farms on which cotton will be planted in 1939, but on which cotton was not planted in any of the years 1936, 1937, or 1938.

shall be prorated among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under AAA programs during 1933 to 1937, inclusive, except that the county allotment so determined shall be not less than 60 percent of the acreage planted to cotton plus 60 percent of the acreage diverted from cotton in 1937.

(2) If the AAA finds that there are one or more administrative areas in any county which because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton plus the acreage diverted from cotton in 1937 or, if the AAA determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, the allotment shall be distributed on the basis of the cotton base acreages that were established under the 1937 Cotton Price Adjustment Payment Program.

D. Farm Allotment. (1) The county committee with the assistance of the other local committees shall apportion the county allotment among the farms on which cotton was planted in any one of the years 1936, 1937, or 1938. The allotment for each such farm shall be a percentage 2/ of the cropland in the farm, excluding the acreage normally devoted to the commercial production of sugarcane for sugar, tobacco, rice, or wheat, except that:

(a) If the highest acreage planted to cotton and diverted from cotton in any one of the 3 years 1936, 1937, or 1938 (hereinafter referred to as the highest cotton acreage) is 5 acres or less, the allotment shall be the highest cotton acreage if the county allotment is sufficient therefor;

2/ This percentage shall be the same for all farms in the county or administrative area.

(b) If the highest cotton acreage is more than 5 acres, the allotment shall not be less than 5 acres if the county allotment is sufficient therefor;

(c) Notwithstanding the foregoing provisions of this paragraph (1), not more than 3 percent of the county allotment remaining after making the allotments under clauses (a) and (b) above may be apportioned among farms in the county on which cotton was planted in any one of the years 1936, 1937, or 1938, and for which the allotment otherwise provided is between 5 and 15 acres and less than the highest cotton acreage.

In making allotments under clause (c) consideration shall be given to the land, labor, crop rotation practices, soil and other facilities affecting the production of cotton. In no event shall the apportionment under clause (c) result in an allotment in excess of 15 acres. In no event shall any allotment under this paragraph (1) exceed the highest cotton acreage.

(2) If the county allotment is insufficient to provide allotments to farms which are adequate and representative in view of their past production of cotton and their cropland, there shall be apportioned to such farms in accordance with instructions contained in Southern Region Bulletin 302 (hereinafter referred to as SRB-302) that part or all of a State reserve equal to 4 percent of the State allotment which is necessary to give such farms allotments in conformity with paragraph (1) which are as nearly adequate and representative as such 4 percent reserve will permit.

(3) If the allotments for any farms are substantially smaller than the allotments which would have been made without regard to the provisions of paragraphs (1) (a) and (1)(b) above, the allotments for such farms shall be increased to the acreage which would have resulted in the absence of such provisions insofar as the remaining part of the 4 percent State reserve will permit, after making allotments under paragraph (2) above.

(4) After allotments have been made from the 4 percent reserve as provided in paragraphs (2) and (3) above, one-half of the remainder of the 4 percent reserve shall be apportioned to farms for which the allotment otherwise determined is less than 50 percent of the acreage planted to cotton plus the acreage diverted from cotton in 1937. The other half of the remainder of the 4 percent reserve shall be available for increasing the allotments for any farms which are determined

in accordance with the provisions of SRB-302 to be inadequate and not representative in view of past production on the farm, except that the allotment for any farm shall not be increased under this paragraph above the highest cotton acreage nor above 40 percent of the cropland.

(5) Notwithstanding the provisions of paragraph (1) above, the allotment for any farm shall be increased by the amount necessary to provide an allotment of not less than 50 percent of the acreage planted to cotton and diverted from cotton in 1937, except that the allotment for any farm shall not be increased under this paragraph to more than 40 percent of the cropland.

(6) The 2 percent reserve provided under subsection C (1) of this section shall be available for apportionment to farms on which cotton will be planted in 1939 for the first time since January 1, 1936. This apportionment shall be made in accordance with the provisions of SRB-302 and shall result, insofar as such reserve will permit, in comparable allotments to farms which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical facilities affecting the production of cotton.

E. Farm Normal Yields. The county committee with the assistance of other local committees shall determine a normal yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1934 to 1938, inclusive, adjusted for abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the allotments established for such farms) shall not exceed the average yield established for the county or administrative area.

F. Payments. The payment is 2 cents for each pound of the normal yield for each acre in the cotton allotment if the acreage planted is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to cotton is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on 1-1/4 times the acreage planted to cotton. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of 4 cents for each pound of the normal yield of the excess acres.

G. Acreage Planted to Cotton means the acreage seeded to cotton, the staple of which is normally less than 1-1/2 inches in length, which reaches a stage of growth at which bolls are first formed, and means also for purpose of the 80 percent provision of subsection F any acreage seeded to cotton, the staple of which is normally less than 1-1/2 inches in length which fails to reach the stage of growth at which bolls are first formed because of flood, hail, drought, or insects.

Section II. WHEAT.

A. National Goal. The 1939 national goal for wheat is 55,000,000 to 60,000,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. County allotments shall be established by distributing the State allotment among the counties pro rata on the basis of the acreage planted to wheat plus the acreage diverted from wheat during the 10 years 1928 to 1937, inclusive, with adjustment for trends in acreage and abnormal weather conditions.

D. Farm Allotments. (1) Wheat allotments shall be determined by the county committee with the assistance of other local committees for farms on which wheat was planted for harvest in one or more of the 3 years 1936, 1937, or 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable. Allotments for 1939 will be established for all farms on which 100 bushels or more of wheat are normally produced for market. In addition, in Bailey, Lamb, Hale, Lubbock, Lynn, Borden, Scurry, Fisher,

Nolan, Runnels, Cole, Brown, Mills, Hamilton, Coryell, Bell, McLennan, Hill, Ellis, Dallas, Collin, Fannin and all other counties in Texas north of these counties, except Stonewall, Hood, and Somervell counties; and in Kay, Noble, Logan, Oklahoma, Cleveland, Canadian, Grady, Comanche, Cotton and all counties west of these counties in Oklahoma, allotments will be established for all farms, except non-allotment wheat farms.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any one of the three years 1936, 1937, or 1938, but on which wheat is planted for harvest in 1939. This apportionment to farms shall be made on the basis of tillable acreage, crop rotation practices, type of soil and topography.

E. Usual Acreages. Usual acreages of wheat shall be established for all farms for which a wheat allotment is not established and on which the normal acreage of wheat harvested for grain or hay is more than 8 acres. In accordance with the provisions of SRB-302, the usual acreage shall be determined on the basis of the past acreage with due allowance for abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography.

F. Non-Allotment Wheat Farm means (1) a farm for which the wheat allotment is determined to be 8 acres or less and the persons having an interest in the wheat planted on the farm elect on or before December 31, 1938 to have such farm considered as a non-allotment farm, or (2) farms, in the special wind erosion area, owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

G. Normal Yields. The county committee with the assistance of other local committees shall determine a normal yield for each farm having a wheat allotment.

(1) The normal yield shall be the actual average yield per acre of wheat for the 10 years 1928 to 1937, inclusive, adjusted for trends and abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, the county committee determines, was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land. Where the productivity index most recently established for the farm is determined by the county committee to be an accurate reflection of the foregoing factors, the

yield obtained by multiplying the index by the average yield established for the county shall be used as the normal yield for the farm.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat allotments established for such farms) shall not exceed the average yield established for the county.

H. Payments. The payment is 17 cents for each bushel of the normal yield for each acre in the wheat allotment if the acreage planted to wheat is as much as 80 percent of the allotment or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to wheat is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on 1-1/4 times the acreage planted to wheat. For a wheat allotment farm there shall be a deduction at the rate of 50 cents for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment. For a non-allotment farm a deduction shall be computed on the basis of the acreage of wheat classified as soil-depleting under section XVII in excess of the larger of (1) the usual acreage, or (2) 8 acres.

I. Acreage Planted to Wheat means (1) any acreage seeded to wheat which is on the farm on or after December 15, 1938 (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1939, and (3) any acreage which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay.

Section III. Peanuts for Market

A. National Goal. The 1939 national goal for peanuts is 1,550,000 to 1,650,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. County allotments in the commercial peanut-producing areas shall be established by distributing the State allotment among such counties, on the basis of the peanut base acreages established under the 1937 program and the 1937 acreage of peanuts for market, taking into consideration trends in acreage on commercial peanut-producing farms.

D. Farm Allotments. In commercial peanut-producing areas the county committee with the assistance of other local committees shall determine peanut allotments on the basis of the acreage of peanuts

customarily grown for market and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

E. Farm Normal Yields. The county committee with the assistance of other local committees shall establish a normal yield of peanuts for market for each farm for which a peanut allotment is established. The normal yield shall be the yield which may reasonably be expected from the land devoted to peanuts for market in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of peanuts customarily made on the farm. The average yield for all farms in any county shall not exceed the average yield of peanuts established for the county.

F. Payments. The payment is 15 cents for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of \$1.25 for each 100 pounds of the normal yield of the excess acreage.

G. Peanuts for Market means all peanuts harvested for nuts on a farm where peanuts are separated from the fines by mechanical means and from which the principal part of the production is sold to persons off the farm.

Section IV. Rice

A. National Goal. The 1939 national goal for rice is 850,000 to 880,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. Allotments. (1) A rice allotment shall be determined by the county committee with the assistance of other local committees for each producer who is participating in the production of rice in 1939 and who participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive, on the basis of the past production of rice adjusted to the acreage adapted to the production of rice in 1939, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned among producers who are participating in the production of rice in 1939 for the first time since January 1, 1934 on the basis of the applicable standards of apportionment set forth in this subsection, except that the allotment for any farm operated by any person(s) who is

participating in the production of rice in 1932, for the first time since January 1, 1934 shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive.

E. Farm Normal Yields. The county committee with the assistance of other local committees shall establish a normal yield for each farm for which a rice allotment is established.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1934 to 1938, inclusive, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1938 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1934 to 1938, inclusive, established by the Secretary, the normal yields for such farms, determined under paragraphs(1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields shall not exceed the State average yields.

F. Payments. The payment is 10 cents for each 100 pounds of the normal yield for each acre in the rice allotment if the acreage planted to rice is as much as 80 percent of the allotment or if the county committee finds that the failure to plant 80 percent was due to flood or drought. If the acreage planted to rice is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on 1-1/4 times the acreage planted to rice.

If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of 80 cents for each 100 pounds of the normal yield of the excess acreage.

Section V. Commercial Vegetables.

A. Farm Allotments. In the commercial vegetable producing areas vegetable allotments shall be established by the county committee with the assistance of other local committees for each farm on which the average acreage of land planted to commercial vegetables in 1936 and 1937 was 3 acres or more. Subject to adjustments in accordance with the provisions of SRB-302, the allotment shall be the average acreage of land planted to commercial vegetables in 1936 and 1937.

B. Payments. (For farms in the commercial vegetable producing area). The payment is \$1.50 for each acre in the vegetable allotment if the acreage of land planted to commercial vegetables is as much as 80 percent of the allotment or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage of land planted to commercial vegetables is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on 1-1/4 times the acreage of land planted to commercial vegetables. There shall be a deduction at the rate of \$20.00 for each acre of land planted to commercial vegetables in excess of the larger of (1) the allotment or (2) 3 acres.

C. Commercial Vegetables means the acreage of vegetables or truck crops (including potatoes on farms where no potato allotment is established, sweet potatoes, tomatoes, sweet corn, melons, cantaloupes, commercial bulbs and flowers, and strawberries, but excluding peas and sweet corn for canning, and artichokes for use other than as vegetables), of which the principal part of the production is sold to persons off the farm.

Section VI. Potatoes.

A. National Goal. The 1939 national goal for potatoes is 3,100,000 to 3,300,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. County allotments in commercial potato-producing areas shall be established by distributing the State allotment among such counties pro rata on the basis of the average acreage planted to potatoes in such counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial potato-producing farms and also taking into consideration the acreage of potatoes on non-commercial potato-producing farms.

D. Farm Allotments. In commercial potato-producing areas the county committee with the assistance of other local committees shall establish an allotment for each farm on which the acreage of potatoes normally produced for market is 3 acres or more.

Allotments shall be established on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors.

E. Farm Normal Yields. The county committee with the assistance of other local committees shall establish a normal yield of potatoes for each farm for which a potato allotment is established. The normal yield shall be the yield which may reasonably be expected from the land planted to potatoes in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of potatoes customarily made on the farm. The average yield for all farms in any county shall not exceed the average yield established for the county.

F. Payments. The payment is 3 cents for each bushel of the normal yield for each acre in the potato allotment if the acreage planted to potatoes is as much as 80 percent of the allotment or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to potatoes is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to potatoes. There shall be a deduction at the rate of 30 cents for each bushel of the normal yield for each acre planted to potatoes in excess of the allotment. On a non-allotment potato farm in a commercial potato-producing area which is in a non-commercial vegetable area, the deduction shall be made at the rate of 30 cents for each bushel of the normal yield for each acre planted to potatoes for market in excess of 3 acres. On farms for which potato allotments are not established in commercial vegetable-producing areas, potatoes planted for market will be considered as commercial vegetables and the deduction for excess acreage of commercial vegetables will be applicable on such farms.

Section VII. All Soil-Depleting Crops.

A. National Goal. The 1939 national goal for all soil-depleting crops is 270,000,000 to 285,000,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotment. County allotments of total soil-depleting crops shall be established by distributing the State allotment of total soil-depleting crops among the counties on the basis of the total soil-depleting allotment established under the 1938 program, with due allowance for trends in acreage of soil-depleting crops, changes in area designations, and crop classifications, and the relationship of the special allotments established for 1938 to the special allotments established for 1939.

D. Farm Allotments. The total soil-depleting allotment for any farm shall be established by the county committee with the assistance of other local committees on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments. The total allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

E. Farm Productivity Indexes. The Secretary shall establish for each county ^{2/}a county per-acre rate which will vary among the counties as the productivity of the cropland in the county devoted to the production of general crops varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index shall be established by the county committee with the assistance of other local committees in accordance with the provisions of SRB-302 for each farm participating in the program. Such productivity index shall be based upon the normal yield per acre for the farm of the principal soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal soil-depleting crops in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity index for such farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index for all farms in the county shall not exceed 100 unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Administrator.

F. Payments. The rate of payment for general allotment farms is \$1.10 per acre adjusted for productivity for each acre in total soil-depleting allotment in excess of the acreage used in computing payments for special crops.

If the acreage classified as soil-depleting is in excess of the

2/ For the purposes of this subsection E, the term "county" shall be deemed to be an "administrative area" where applicable.

total allotment there shall be a deduction for general allotment farms at the rate of \$8.00 per acre adjusted for productivity for each acre classified as soil-depleting in excess of the sum of (1) the total allotment and (2) the acreage of special crops for which deductions are computed; or if the farm is a non-general allotment farm, for each acre in excess of the sum of (1) 20 acres, (2) the cotton allotment for the farm, and (3) the acreage of special crops for which deductions are computed.

G. Non-General-Allotment Farm means a farm for which a total soil-depleting allotment (excluding the cotton allotment) of 20 acres or less is determined and the persons having an interest in the general crops planted on the farm elect to have such farm considered as a non-general-allotment farm.

Section VIII. Soil-Building

A. National Goal. The 1939 national soil-building goal shall be the conservation of cropland not required in 1939 for the growing of soil-depleting crops; the restoration insofar as practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. County Goals. Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

C. Farm Goals. The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section, except (1) that in areas designated by the administrator as areas subject to wind erosion for any farm owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes, the goal shall not be less than one unit for each \$2.00 of the total payment computed for the farm, and the total payment for such farm shall be considered as a payment in connection with soil-building practices, and except (2) as provided in section X for farms in the special wind erosion area. The goal shall represent the number of units of applicable practices to be carried out. The county committee shall assist farmers in determining what practices are to be carried out in meeting the goal. These practices should be those most needed to conserve and improve soil fertility and prevent wind and water erosion, and should not be routine farming practices.

D. Payments. The maximum payment which may be earned for carrying out soil-building practices is the sum of the following:

(1) 50 cents per acre of cropland in excess of the total soil-depleting acreage allotment for the farm.

(2) 70 cents for each acre in the vegetable allotment.

(3) \$1.50 per acre of commercial orchards on the farm on January 1, 1939.

(4) (a) 2 cents per acre of non-crop open pasture land plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such

pasture on farms in Texas and Oklahoma.

(b) 25 cents per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining, during the normal pasture season, at least one animal unit for each 5 acres of such pasture land on farms in Arkansas.

(5) For non-general allotment farms \$1.10 adjusted for productivity for each acre in the total allotment in excess of the acreage used to compute payments for special crops.

For each unit by which the soil-building goal is not reached there shall be a deduction at the rate of \$1.50 a unit from the maximum payment which may be earned by carrying out soil-building practices.

E. Practices. The soil-building practices listed below shall count toward reaching the soil-building goal to the extent indicated, when they are carried out in 1939 in accordance with specifications issued by the Director of the Southern Division or by the State committee with the approval of the Director of the Southern Division. Each practice must be performed in a workmanlike manner and in accordance with good farming practices for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the AAA shall not be counted toward reaching the goal. If a part of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the AAA and such part represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward reaching the goal; if such part represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward reaching the goal, except that labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any...State agency" within the meaning of this paragraph. No credit for reaching the goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into in connection with the Prairie States Forestry Projects.

Full credit for reaching the soil-building goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid by the owner or operator or covered by a loan agreement executed by him. If a portion of such cost is not paid by the owner or operator or covered by a loan agreement executed by him and such portion constitutes less than one-half of such cost, one-half credit will be given.

If such portion constitutes one-half or more of such cost, no credit for reaching the goal will be given for such practices.

Wind erosion control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on land owned or leased by a conservation district, conservation association organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

Schedule of Soil-Building Practices

A. Each of the following practices in the amounts specified shall be counted as one unit except that if the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, or Natal grass seeded or grown with a soil-depleting crop, no part of the material applied shall be counted.

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or with seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, or permanent pasture.

2. Application of 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, or permanent pasture.

3. Application of 1,500 pounds of ground limestone or its equivalent.

4. Application of not less than two tons, air-dry weight, of straw or equivalent mulching materials, (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land.

5. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

6. Contour ridging of noncrop open pasture land -- 750 linear feet of ridges or terrace.

7. Construction of reservoirs and dams -- 10 cubic yards of material moved in making the fill or excavation.

8. Construction of concrete or rubble masonry check dams or drops and measuring weirs for the control of erosion leaching and seepage of irrigated cropland and orchard land -- 7 cubic feet of concrete or rubble masonry (applicable only in arid and semi-arid areas).

9. Construction of 300 linear feet of ditching, with a depth of one foot and top width of four feet, or the cubic equivalent thereof, for the diversion and spreading of flood water or well water on restoration land, cropland, pasture land, or hay land (applicable only in arid and semi-arid areas).

10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes -- 10 pounds of seed.

11. Natural reseeding of noncrop open pasture by non-grazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period.

B. Each acre of the following shall be counted as one unit:

12. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redbud) or mixtures (other than a mixture consisting solely of timothy and redbud) containing perennial grasses, perennial legumes, or biennial legumes (except any of these crops qualifying at a higher rate of credit under this section).

13. Seeding winter legumes, annual Lespedeza, annual ryegrass, annual sweetclover, Sesbania or crotalaria.

14. Green manure crops and cover crops (excluding (1) Lespedeza, (2) any crop for which credit is given in 1939 under any other practice, and (3) wheat (in Oklahoma and Texas) of which a good stand and good growth is (a) plowed or disced under on land not subject to erosion, or if subject to erosion, such crop is followed by winter cover crop, or (b) left on land subject to erosion or in orchards or on commercial vegetable or potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

15. Seeding adapted varieties of alfalfa.

16. Seeding permanent grasses or pasture mixtures containing a full seeding of Rhodes Grass, Dallis, grama or Bermuda grass.

17. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted after January 1, 1936, and before January 1, 1939, or before July 1, 1939, under a cooperative agreement with a Governmental agency.

D. Each acre of the following shall be counted as three units:

18. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

E. Each acre of the following shall be counted as five units:

19. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree culture practice.

20. Control of seriously infested plots of bindweed (*Convolvulus arvensis*) on cropland in organized weed control districts, including counties where county officials are cooperating under the State control law, in accordance with good chemical methods (applicable only in Oklahoma).

F. Each two acres of the following shall be counted as one unit:

21. Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is obtained and is not harvested.

22. Seeding timothy or redtop or a mixture consisting solely of timothy and redtop.

G. Each four acres of the following shall be counted as one unit:

23. Leaving on the land as a protection against wind erosion the stalks of sorghums (including broomcorn) or Sudan grass, classified as soil-depleting, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940. This practice is applicable only in the following counties:

OKLAHOMA -- Beaver, Cimarron, and Texas

TEXAS -- Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman

24. Contour listing, deep or shallow sub-soiling, or furrowing noncrop land.

25. Stripcropping with alternate strips of close-grown crops and intertilled crops or fallow.

26. Protecting summer-fallowed acreage from wind and water erosion by contour listing or pit cultivation; and in designated areas incorporating small-grain stubble and straw into the surface soil. No credit will be given for this practice on any farm when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover

results in the land becoming subject to serious wind erosion. This practice is applicable only in the following counties and all other counties in Oklahoma and Texas lying west of these counties:

OKLAHOMA -- Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton

TEXAS -- Clay, Jack, Palo Pinto, Erath, Hamilton, Lampasas, Burnett, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg

H. Each eight acres of the following shall be counted as one unit:

27. Contour farming intertilled crops.

28. Contour listing. Except when carried out on protected summer-fallowed acreage or as a part of the seeding operation. (Not applicable in Arkansas, nor at this rate in the special wind erosion area.)

I. Each ten acres of the following shall be counted as one unit:

29. Contour seeding of small-grain crops for harvest in 1939.

30. Pit cultivation. Except when carried out on protected summer-fallowed acreage or as a part of the seeding operation. (Not applicable in Arkansas, nor at this rate in the special wind erosion area.)

Section IX. RESTORATION LAND.

A. National Goal. The 1939 national goal for restoration land shall be the restoration, insofar as practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops.

B. State Goals. State goals will be established by the Secretary.

C. County Goals. County goals shall be established by distributing the State restoration land goal among the counties in the areas designated by the administrator as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, on the basis of the amount of land in such counties which was cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

D. Farm Goals. The restoration land goal for any farm shall be determined by the county committee with the assistance of other local committees on the basis of the land in the farm which was designated as restoration land under the 1938 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

E. Payments. The payment is 50 cents for each acre in the restoration land goal for the farm: There shall be a deduction of \$1.00 for each acre of restoration land on which approved conservation measures are not carried out in 1939, and a deduction of \$3.00 for each acre of restoration land designated in 1938 or 1939 which is plowed or tilled in 1939 for any purpose other than tillage practices to protect the land from wind erosion, or tillage operations necessary for the seeding of an approved non-depleting cover crop of which the entire growth is left on the land.

F. Restoration Land means farm land, in areas designated by the Administrator as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, which has been cropped at least once since January 1, 1930, and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

Section X. SPECIAL WIND EROSION AREA.

In addition to other applicable provisions of this bulletin, the following provisions are applicable only in the following counties.

OKLAHOMA: Cimarron and Texas.

TEXAS: Dallam, Hartley, Moore, and Sherman.

The soil-building goal for any farm in the special wind erosion area shall not be less than one unit for each \$5.00 of the total payments computed for the farm, including payments computed for special and general crops, except as provided in Section VIII for any farm owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

Schedule of Soil-Building Practices.

A. Each acre of the following shall be counted as one unit:

1. Leveling of hummocks created by wind erosion where such practice has prior approval of the county committee. (Applicable only on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes).

B. Each six acres of the following shall be counted as one unit:

2. Contour listing, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

C. Each eight acres of the following shall be counted as one unit.

3. Pit cultivation, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

D. Each ten acres of the following shall be counted as one unit:

4. Natural vegetative cover or small grain stubble of crops harvested in 1939 left on cropland not tilled after July 1, 1939, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operators farming plan provides that such cover will be left on the land until the spring of 1940. (Not applicable on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own land for conservation purposes).

5. Contour cultivation with a shallow furrowing or shovel type implement following small grain crops harvested in 1939.

Section XI. MISCELLANEOUS DEDUCTIONS

A. Failure to Prevent Wind and Water Erosion. \$1.00 for each acre of land other than restoration land, in areas designated by the Administrator as subject to serious wind and water erosion, on which approved measures for the prevention of wind and water erosion are not adopted in 1939.

B. Breaking Out Native Sod. \$3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established which, in areas designated by the Administrator as being

subject to serious wind erosion or areas containing large acreages unsuited to continued production of cultivated crops, is broken out during the period November 1, 1938 to October 31, 1939, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such cropland to be in addition to that designated as restoration land.

Section XII. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and Deductions for Acreage Allotments and Restoration Land Goals. (1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the crops on the farm in 1939; Provided, That if because of crop failure the harvested acreage of any such crop(s) is less than the planted acreage of such crop(s) and the county committee finds, in accordance with instructions issued by the AAA that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage planted to such crop(s) in 1939 had been harvested; Provided, further, that if any such crop(s) is not planted on the farm in 1939, the net payment or net deduction computed for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage in such acreage allotment had been planted and harvested in 1939; Provided, Further, That upon written agreement of all persons who are entitled to receive a landlord's share of the proceeds of any such crop(s), the share of each such person in the net payment or net deduction computed with respect to such crop(s) on any farm comprising separately owned tracts of land shall be determined on the basis of each such person's respective share (as indicated by their acreage shares) in the acreage allotments which could have been established for such crop(s) on the land in which he has an interest.

(2) The net payment or net deduction computed with respect to the restoration land goal for any farm shall be divided equally between the owners and operators thereof unless the county committee determines that the owners and operators did not contribute equally to the acreage in the restoration land goal and to the carrying out of restoration land measures. In the latter event the net payment or net deduction shall be divided in the proportion that the county committee determines that such owners and operators contributed to the acreage in the restoration land goal and to the carrying out of restoration land measures.

(3) In computing payments and deductions with respect to special and general crops, and restoration land goals, the deduction with respect to (1) failure to prevent wind and water erosion, (2) cropping restoration land, and (3) breaking out of native sod, shall be regarded as deductions for general crops.

B. Soil-Building Practice Payments. The payment for carrying out soil-building practices on the farm shall be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one person contributed to the carrying out of soil-building practices in 1939, the payment shall be divided in the proportion that the units contributed by each person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each person contributed thereto.

C. Proration of Net Deductions. If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons with respect to such farm, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments.

If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deductions shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section XIII. General Provisions Relating to Payments and Deductions

A. Increase in Small Payments. The total payment computed under sections I to XI, inclusive, for any person on any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents, but less than \$1.00, shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

B. Payments limited to \$10,000. The total of all payments made under the 1930 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made under the 1939 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including any payment received in Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms. (1) If the deductions computed for any farm in a county exceed the payment computed for such farm, a landlord's or tenant's share of the amount by which the deduction exceeds the payments shall be deducted from the landlord's or tenant's share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) If the deductions computed for a landlord or tenant for one or more farms in a county exceed the payments computed for such landlord

or tenant on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for the landlord or tenant for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which such net deductions are computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses. There shall be deducted pro rata from the payments for any farm or any part that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of Purposes of the Program.

(1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (a) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments except those for carrying out restoration land measures and soil-building practices shall be computed for any farm which is otherwise idle in 1939.

(3) In areas designated by the Administrator as areas subject to serious wind erosion in 1939 no payment will be made to any person with respect to any farm which such person owns or operates in a county, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind erosion control measures on land under his control to the extent that any part of such land has become a wind erosion hazard in 1939 to the community in which such farm is located.

F. Payment Computed and Made Without Regard to Claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to him under the 1938 program, payments to the landlord under the 1939 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person under the 1939 program.

H. Assignments. Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the AAA.

Nothing contained in this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage. Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1939 shall file with such application a statement that he has

not knowingly planted, or caused or permitted the planting of cotton during 1939 on land in any farm in which he has an interest in excess of the cotton allotment established for the farm for 1939, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants, or causes or permits the planting of cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm for 1939 shall not be eligible for any payment under the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton allotment shall be presumed to have knowingly planted cotton on his farm on acreage in excess of the allotment if notice of the allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless he establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

J. Use of Soil-Conserving Crops for Market. For counties designated by the Administrator as counties not in substantial compliance with the provisions of section 701.16(f) of the 1939 program bulletin (ACP-39), payment shall not be made with respect to any farm unless (1) the number of dairy cows on the farm does not exceed the normal number by more than two, (2) there is an acreage of cropland not devoted to soil-depleting crops or to the commercial production of soil-conserving crops in 1939 equal to the amount by which the usual or normal acreage of soil-depleting crops exceeds the larger of (a) the total soil-depleting allotment for the farm or (b) the acreage on the farm classified as soil-depleting in 1939, or (3) none of the soil-conserving crops to which these provisions apply are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk or milk products produced on the farm.

Section XIV. Materials Furnished to Carry out Soil-Building Practices.

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm the amount of such difference shall be repaid by him to the Secretary.

Section XV. Application for Payment.

A. Persons Eligible to File Applications. - An application for payment for a farm may be made by any person who, under the provisions of section XII shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1939 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

B. Time and Manner of Filing Application and Information Required. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Application for Other Farms. If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must make application for payment on all such farms which he operates or rents to other persons. Upon request

of the State committee any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof.

Section XVI. Appeals.

Any person who considers himself aggrieved by any recommendation or determination of the county committee regarding any farm in which he has an interest may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Section XVII. Definitions.

For the purposes of the 1939 program -

SOUTHERN REGION means the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

AREA A means Oklahoma and designated counties and administrative areas in Arkansas and Texas.

PERSON means an individual, partnership, association, corporation, estate, or trust, and if applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD or owner means a person who owns land and rents such land to another person or operates such land.

SHARECROPPER means a person who works on a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or

agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the AAA, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops, Provided,

That land not under the same ownership shall be included in the same farm only if the county committee determines that:

- (a) There is one crop rotation system on the entire area of land;
- (b) The yields and productivity of the different ownerships do not vary substantially;
- (c) The combination is not being made for the purpose of increasing allotments or primarily for the purpose of effecting compliance; and
- (d) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

CROPLAND means farm land which in 1938 was tilled or was in a regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1939 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

SOIL-DEPLETING ACREAGE means the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(1) Corn planted for any purpose except sweet corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose (except when a good stand and a good growth is plowed or disced under as a green manure crop before heading, in the following counties in Texas and in all counties in Texas lying east of these counties: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Nueces, and Kleberg).

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugar beets planted for any purpose.

(6) Sugarcane grown for any purpose.

(7) Rice planted for any purpose.

(8) Peanuts harvested for nuts or dug for hay.

(9) Broomcorn harvested for any purpose.

(10) Annual truck and vegetable crops (including strawberries, melons, and sweetpotatoes), planted for any purpose except when grown in home gardens for use on the farm.

(11) Perennial truck and vegetable crops (including strawberries, melons, and sweetpotatoes), harvested for any purpose except when grown in home gardens for use on the farm.

(12) Potatoes planted for any purpose except when grown in home gardens for use on the farm.

(13) Canning peas and freezing peas harvested for any purpose except when grown in home gardens for use on the farm.

(14) Wheat planted (or regarded as planted) for any purpose on a farm considered as a wheat allotment farm.

(15) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for grain.

(16) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for hay except (1) when such crops are used as nurse crops for legumes or perennial grasses of which a good stand is established in 1939 and the nurse crop is cut green for hay, or (2) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes.

(17) Sweet sorghums, Sudan grass, or millet harvested for grain, seed, or syrup.

(18) Soybeans harvested for seed for crushing.

(19) Summer-fallowed acreage not protected from wind and water erosion by methods approved by the State committee.

ACREAGE PLANTED TO COTTON means the acreage seeded to cotton, the staple of which is normally less than 1-1/2 inches in length, which reaches a stage of growth at which bolls are first formed, and means also for purposes of section _____ any acreage seeded to cotton, the staple of which is normally less than 1-1/2 inches in length, which because of flood, hail, drought, insects, or other uncontrollable natural causes, fails to reach the stage of growth at which bolls are first formed.

NON-GROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of soil-depleting acreage except sugar beets and sugarcane for sugar and the crops for which special crop allotments are established on the farm.

SPECIAL CROPS OR SPECIAL ALLOTMENTS means cotton, wheat, tobacco, rice, peanut, vegetable, or potato acreage allotments,

ANIMAL UNIT means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

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Issued December 30, 1938

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

1939 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION

SOUTHERN REGION BULLETIN 301 FOR THE A AREA

(Applicable to all farms in Oklahoma and Texas and the following designated counties in Arkansas: Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Prairie (except Area II), Randolph (except Area I), Sharp, Stone, Van Buren, and Washington.)

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Pursuant to the provisions of the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program) Bulletin (ACP-1939), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration (hereinafter referred to as the A. A. A.), payments and grants of aid will be made for participation in the A area of the Southern Region in the 1939 program in accordance with the provisions of this Southern Region Bulletin 301 for the A Area (SRB-301A) and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1939 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid

will be made from appropriations made by Congress for this purpose only, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. **As an adjustment for the extent of participation in the program, the rates of payment and deductions may be increased or decreased by as much as 10 percent.**

The provisions of the 1939 program contained in this bulletin are not applicable (except section 13 B) to counties in the A area of the Southern Region for which special agricultural conservation programs are approved for 1939 by the Secretary or to land in which the beneficial ownership is in the United States.

Section 1. COTTON

A. National Goal.—The 1939 national goal for cotton is 27,000,000 to 29,000,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—(1) County allotments shall be determined by prorating the State allotment less a reserve for new cotton farms¹ among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under A. A. A. programs during the 5 years 1933 to 1937, inclusive, except that the county allotment so determined shall be not less than 60 percent of the acreage planted to cotton plus 60 percent of the acreage diverted from cotton in 1937.

(2) If the A. A. A. finds that there are more than one administrative area in any county which, because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton plus the acreage diverted from cotton in 1937 or, if the A. A. A. determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, the allotment shall be distributed on the basis of the cotton base acreages that were determined under the 1937 Cotton Price Adjustment Plan.

D. Farm Allotments.—(1) The county committee, with the assistance of the other local committees, shall apportion the county allotment² among the farms on which cotton was planted in any one of the years 1936, 1937, or 1938. The allotment for each such farm shall be a percentage³ of the cropland in the farm, excluding the acreage

¹ This reserve shall be 2 percent of the State allotment and is to be used in the State in making allotments to farms on which cotton will be planted in 1939, but on which cotton was not planted in any of the years 1936, 1937, or 1938.

² In counties in which the county allotment is not sufficient to make the allotments provided under (a) and (b) of this paragraph (1) or if such allotments result in a substantially smaller allotment for any farm in the county than would have resulted in the absence of the provisions of (a) and (b), a part of a 4 percent State reserve shall be available for apportionment in the county, in accordance with instructions contained in Southern Region Bulletin 302 (hereinafter referred to as SRB-302).

³ This percentage shall be the same for all farms in the county or administrative area.

normally devoted to the commercial production of sugarcane for sugar, tobacco, rice, or wheat, except that:

(a) If the highest acreage planted to cotton and diverted from cotton in any one of the 3 years 1936, 1937, or 1938 (hereinafter referred to as the highest cotton acreage) was 5 acres or less, the allotment shall be the highest cotton acreage.

(b) If the highest cotton acreage was more than 5 acres, the allotment shall not be less than 5 acres.

(c) Notwithstanding the foregoing provisions of this paragraph (1), not more than 3 percent of the county allotment remaining after making the allotments under clauses (a) and (b) above may be apportioned among farms in the county on which cotton was planted in any one of the years 1936, 1937, or 1938, and for which the allotment otherwise provided is less than 15 acres.

In making allotments under clause (c) consideration shall be given to the land, labor, equipment, crop-rotation practices, soil, and other facilities affecting the production of cotton. In no event shall the apportionment under this clause (c) result in an allotment in excess of 15 acres nor shall any allotment under this paragraph (1) exceed the highest cotton acreage.

(2) After allotments have been made from the 4 percent reserve as provided in footnote 2, paragraph (1) above, one-half of the remainder of the 4 percent reserve shall be apportioned to farms for which the allotment otherwise determined is less than 50 percent of the acreage planted to, plus the acreage diverted from, cotton in 1937. The other half of the remainder, if any, of the 4 percent reserve shall be available for increasing the farm allotments which are determined in accordance with the provisions of SRB-302 to be inadequate and not representative in view of past production of cotton on the farm, except that the allotment for any farm shall not be increased under this paragraph above the highest cotton acreage nor above 40 percent of the cropland.

(3) Notwithstanding the provisions of paragraphs (1) and (2) above, the allotment for any farm shall be increased by the amount necessary to provide an allotment of not less than 50 percent of the acreage planted to cotton and diverted from cotton in 1937, except that the allotment for any farm shall not be increased under this paragraph to more than 40 percent of the cropland.

(4) The 2 percent reserve provided under subsection C (1) of this section shall be available for apportionment to farms on which cotton will be planted in 1939 for the first time since January 1, 1936. This apportionment shall be made in accordance with the provisions of SRB-302 and shall result, insofar as such reserve will permit, in comparable allotments to farms which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical facilities affecting the production of cotton.

E. Farm Normal Yields.—The county committee with the assistance of other local committees shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1934 to 1938, inclusive, adjusted for abnormal weather conditions in accordance with the provisions of SRB-302, if

reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area (weighted by the allotments established for such farms) shall not exceed the average yield established for the county or administrative area.

F. Payments.—The payment is **2 cents** for each pound of the normal yield for each acre in the cotton allotment if the acreage planted is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to cotton is less than 80 percent of the allotment, and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to cotton. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres, except that no payment whatsoever will be made to any farm on which the cotton acreage allotment is knowingly exceeded.

G. Acreage Planted to Cotton means the acreage seeded to cotton the staple of which is normally less than $1\frac{1}{2}$ inches in length, which reaches the stage of growth at which bolls are first formed, and means also for the purpose of the 80 percent provision of subsection F any acreage seeded to cotton the staple of which is normally less than $1\frac{1}{2}$ inches in length which fails to reach the stage of growth at which bolls are first formed because of flood, hail, drought, or insects.

Section 2. WHEAT

A. National Goal.—The 1939 national goal for wheat is 55,000,000 to 60,000,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments shall be established by distributing the State allotment among the counties pro rata on the basis of the acreage planted to wheat plus the acreage diverted from wheat during the 10 years 1928 to 1937, inclusive, with adjustment for trends in acreage and abnormal weather conditions.

D. Farm Allotments.—(1) The county committee with the assistance of other local committees shall apportion the county allotment among the farms on which wheat was planted for harvest in one or more of the 3 years 1936, 1937, or 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and to-

pography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable. Allotments for 1939 will be established for all farms on which 100 bushels or more of wheat are normally produced for market. In addition, in Bailey, Lamb, Hale, Lubbock, Lynn, Borden, Scurry, Fisher, Nolan, Runnels, Cole, Brown, Mills, Hamilton, Coryell, Bell, McLennan, Hill, Ellis, Dallas, Collin, Fannin, and all other counties in Texas north of these counties, except Stonewall, Hood, and Somervell counties; and in Kay, Noble, Logan, Oklahoma, Cleveland, Canadian, Grady, Comanche, Cotton and all counties west of these counties in Oklahoma, allotments will be established for all farms, except non-allotment wheat farms.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any one of the 3 years 1936, 1937, or 1938, but on which wheat is planted for harvest in 1939. This apportionment shall be made on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

E. Usual Acreages.—Usual acreages of wheat shall be established for all farms for which a wheat allotment is not established and on which the normal acreage of wheat harvested for grain or hay is more than 8 acres. In accordance with the provisions of SRB-302, the usual acreage shall be determined on the basis of the past acreage with due allowance for abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography.

F. Non-Allotment Wheat Farm means (1) a farm for which the wheat allotment is determined to be 8 acres or less and the persons having an interest in the wheat planted on the farm elect on or before December 31, 1938 to have such farm considered as a non-allotment farm, or (2) farms in areas designated by the Administrator as subject to wind erosion, owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

G. Farm Normal Yields.—The county committee with the assistance of other local committees shall determine a normal wheat yield for each farm having a wheat allotment.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1928 to 1937, inclusive, adjusted for trends in yields and abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, the county committee determines, was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land. Where the productivity index most recently established for the farm is determined by the county committee to be an accurate reflection of

the foregoing factors, the yield obtained by multiplying the index by the average yield established for the county shall be used as the normal yield for the farm.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the allotments established for such farms) shall not exceed the average yield established for the county.

H. Payments.—The payment is **17 cents** for each bushel of the normal yield for each acre in the wheat allotment if the acreage planted to wheat is as much as 80 percent of the allotment or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to wheat is less than 80 percent of the allotment and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to wheat. For a wheat allotment farm there shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment. For a non-allotment farm a deduction shall be computed on the basis of the acreage of wheat classified as soil-depleting under section 17 in excess of the larger of (1) the usual acreage, or (2) 8 acres.

I. Acreage Planted to Wheat (for a farm on which a wheat allotment is established) means (1) any acreage seeded to wheat which is on the farm on or after December 15, 1938 (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1939, and (3) any acreage which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay.

Section 3. PEANUTS

A. National Goal.—The 1939 national goal for peanuts is 1,550,000 to 1,650,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments in the commercial peanut-producing areas shall be established by distributing the State allotment among such counties on the basis of the peanut base acreages established under the 1937 program and the 1937 acreage of peanuts for market, taking into consideration trends in acreage on commercial peanut-producing farms.

D. Farm Allotments.—In commercial peanut-producing areas the county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts customarily grown for market and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for market for each farm having a peanut allotment. The

normal yield shall be the yield which may reasonably be expected from the land devoted to peanuts for market in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of peanuts customarily made on the farm. The average yield for all farms in any county shall not exceed the average yield of peanuts established for the county.

F. Payments.—The payment is **15 cents** for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.25** for each 100 pounds of the normal yield of the excess acreage.

G. Peanuts for Market means all peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons not living on the farm.

Section 4. RICE

A. National Goal.—The 1939 national goal for rice is 850,000 to 880,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. Allotments.—(1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each producer who is participating in the production of rice in 1939 and who participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive, on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1939, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned among producers who are participating in the production of rice in 1939 for the first time since January 1, 1934, on the basis of the applicable standards of apportionment set forth in this subsection, except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1939 for the first time since January 1, 1934, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive.

D. Farm Normal Yields.—The county committee with the assistance of other local committees shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1934 to 1938, inclusive, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily

made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1939 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1934 to 1938, inclusive, established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields shall not exceed the State average yields.

E. Payments.—The payment is **10 cents** for each 100 pounds of the normal yield for each acre in the rice allotment if the acreage planted to rice is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent was due to flood or drought. If the acreage planted to rice is less than 80 percent of the allotment and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to rice. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of **80 cents** for each 100 pounds of the normal yield of the excess acres.

Section 5. COMMERCIAL VEGETABLES

A. Farm Allotments.—In commercial vegetable-producing areas the county committee, with the assistance of other local committees, shall establish a vegetable allotment for each farm on which the average acreage of land planted to commercial vegetables in 1936 and 1937 was 3 acres or more. In accordance with the provisions of SRB-302, the allotment shall be the average acreage of land planted to commercial vegetables in 1936 and 1937.

B. Payments.—The payment is **\$1.50** for each acre in the vegetable allotment if the acreage of land planted to commercial vegetables is as much as 80 percent of the allotment or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage of land planted to commercial vegetables is less than 80 percent of the allotment and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage of land planted to commercial vegetables. There shall be a deduction at the rate of **\$20.00** for each acre of land planted to commercial vegetables in excess of the larger of (1) the allotment or (2) 3 acres.

C. Commercial Vegetables means the acreage of vegetables or truck crops (including potatoes on farms where no potato allotment is established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, commercial bulbs and flowers, and strawberries, but excluding peas and sweet corn for canning, and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

Section 6. IRISH POTATOES

A. National Goal.—The 1939 national goal for potatoes is 3,100,000 to 3,300,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments in commercial potato-producing areas shall be established by distributing the State allotment among such counties on the basis of the average acreage planted to potatoes in such counties during the 5 years 1933 to 1937, inclusive, taking into consideration the acreage on non-commercial potato-producing farms and trends in the acreage of potatoes on non-commercial potato-producing farms.

D. Farm Allotments.—In commercial potato-producing areas the county committee with the assistance of other local committees shall establish a potato allotment for each farm on which the acreage of potatoes normally produced for market is 3 acres or more. Allotments shall be established on the basis of good soil management, tillable acreage, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal potato yield for each farm having a potato allotment. The normal yield shall be the yield which may reasonably be expected from the land planted to potatoes in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of potatoes customarily made on the farm. The average yield for all farms in the county shall not exceed the average yield established for the county.

F. Payments.—The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment if the acreage planted to potatoes is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to potatoes is less than 80 percent of the allotment, and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to potatoes. For a farm for which an allotment is established there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the allotment. For a farm for which no allotment is established in a commercial potato-producing area, which is not in a commercial vegetable area, the deduction shall be made at the rate of **30 cents** for each bushel of the normal yield of each acre planted to potatoes for market in excess of 3 acres. In commercial vegetable-producing areas potatoes planted for market will be considered as commercial vegetables on farms for which potato allotments are not established and the deduction for excess acreage of commercial vegetables will be applicable on such farms.

Section 7. TOTAL SOIL-DEPLETING CROPS

A. National Goal.—The 1939 national goal for total soil-depleting crops is 270,000,000 to 285,000,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments of total soil-depleting crops shall be established by distributing the State allotment of total soil-depleting crops among the counties on the basis of the total soil-depleting allotment established under the 1938 program, with due allowance for trends in acreage of soil-depleting crops, changes in area designations, and crop classifications, and the relationship of the special allotments established for 1938 to the special allotments established for 1939.

D. Farm Allotments.—The county committee with the assistance of other local committees shall establish a total soil-depleting allotment for each farm. The allotment shall be established on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments. The allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

E. Farm Productivity Indexes.—The county committee with the assistance of other local committees shall determine a productivity index in accordance with the provisions of SRB-302 for each farm participating in the program. Such productivity index shall be based upon the normal yield per acre for the farm of the principal soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal soil-depleting crops in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity index for such farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity. The average productivity index for all farms in the county shall not exceed 100 unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Administrator.

F. Payments.—The rate of payment for general allotment farms is the county rate⁴ per acre, adjusted for productivity, for each acre in the total soil-depleting allotment in excess of the acreage used in computing payments for special crops and the acreage of sugar beets for sugar planted in 1939. If the acreage classified as soil-depleting is in excess of the total allotment, there shall be a deduction for general allotment farms at the rate of \$8.00 per acre for the nation as a whole, adjusted for productivity for the county and for the farm, for each acre classified as soil-depleting in excess of the sum of (1) the total allotment and (2) the acreage of special crops for which deductions are computed; or if the farm is a non-general allotment farm, for each acre in excess of the sum of (1) 20 acres, (2) the cotton allotment for the farm, and (3) the acreage of special crops for which deductions are computed.

⁴The average rate of payment for general crops in the United States is \$1.10 per acre. The Secretary will establish for each county a county per-acre rate which will vary among the counties as the productivity of the cropland in the county devoted to the production of general crops varies as compared with the productivity of cropland in the United States devoted to the production of such crops. For the purposes of this footnote, the term "county" shall be deemed to be an "administrative area" where applicable.

G. Non-General Allotment Farm means a farm for which a total soil-depleting allotment (excluding the cotton allotment) of 20 acres or less is determined and the persons having an interest in the general crops planted on the farm elect, in accordance with instructions issued by the AAA, to have such farm considered as a non-general-allotment farm.

Section 8. SOIL-BUILDING

A. National Goal.—The 1939 national soil-building goal shall be the conservation of cropland not required in 1939 for the growing of soil-depleting crops; the restoration insofar as practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. County Goals.—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

C. Farm Goals.—The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section, except (1) that in areas designated by the Administrator as areas subject to wind erosion for any farm owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes, the goal shall not be less than one unit for each \$2.00 of the total payment computed for the farm, and the total payment for such farm shall be considered as a payment in connection with soil-building practices, and except (2) as provided in section 10 for farms in the special wind erosion area. The goal shall represent the number of units of applicable practices to be carried out. The county committee shall assist farmers in determining what practices are to be carried out in meeting the goal. These practices should be those most needed to conserve and improve soil fertility and prevent wind and water erosion, and should not be routine farming practices.

D. Payments.—The maximum payment which may be earned for carrying out soil-building practices is the sum of the following:

(1) **50 cents** per acre of cropland in excess of the total soil-depleting allotment for the farm;

(2) **70 cents** for each acre in the vegetable allotment;

(3) **\$1.50** per acre of commercial orchards on the farm on January 1, 1939;

(4) (a) On farms in Texas and Oklahoma, **2 cents** per acre of non-crop open pasture land plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture;

(b) On farms in Arkansas, **25 cents** per acre of fenced non-crop open-pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining, during the normal pasture season, at least one animal unit for each 5 acres of such pasture land;

(5) For non-general allotment farms the county rate per acre adjusted for productivity for each acre in the total allotment in excess of the acreage used to compute payments for special crops and the acreage of sugar beets for sugar planted in 1939.

For each unit by which the soil-building goal is not reached there shall be a deduction at the rate of **\$1.50** a unit from the maximum payment which may be earned by carrying out soil-building practices.

E. Practices.—The soil-building practices listed below shall count toward reaching the soil-building goal to the extent indicated, when they are carried out in 1939 in accordance with specifications issued by the Director of the Southern Division or by the State committee with the approval of the Director of the Southern Division. Each practice must be performed in a workmanlike manner and in accordance with good farming practices for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the A. A. A. shall not be counted toward reaching the goal. If a part of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the A. A. A. and such part represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward reaching the goal; if such part represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward reaching the goal, except that labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any * * * State agency" within the meaning of this paragraph. No credit for reaching the goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into in connection with the Prairie States Forestry Projects.

Full credit for reaching the goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid by the owner or operator or covered by a loan agreement executed by him. If a portion of such cost is not paid by the owner or operator or covered by a loan agreement executed by him and such portion constitutes less than one-half of such cost, one-half credit will be given. If such portion constitutes one-half or more of such cost, no credit for reaching the goal will be given for such practices.

Wind erosion control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on land owned or leased by a conservation district, conservation association organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit:

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or with seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, or permanent pasture, which are not seeded or grown with a soil-depleting crop.

2. Application of 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, or permanent pasture, which are not seeded or grown with a soil-depleting crop.

3. Application of 1,500 pounds of ground limestone or its equivalent.

4. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land.

5. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

6. Contour ridging of noncrop open pasture land—750 linear feet of ridges or terrace.

7. Construction of reservoirs and dams—10 cubic yards of material moved in making the fill or excavation.

8. Construction of concrete or rubble masonry check dams or drops and measuring weirs for the control or erosion leaching and seepage or irrigated cropland and orchard land—7 cubic feet of concrete or rubble masonry (applicable only in arid and semi-arid areas).

9. Construction of 300 linear feet of ditching, with a depth of 1 foot and top width of 4 feet, or the cubic equivalent thereof for the diversion and spreading of flood water or well water on restoration land, cropland, pasture land, or hay land (applicable only in arid and semi-arid areas).

10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

11. Natural reseeding of noncrop open pasture by non-grazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period.

B. Each acre of the following shall be counted as one unit:

12. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop) or mixtures (other than a mixture consisting solely of timothy and redtop) containing perennial grasses, perennial legumes, or biennial legumes (except any of these crops qualifying at a higher rate of credit under this section).

13. Seeding winter legumes, annual Lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover.

14. Green manure crops and cover crops (excluding (1) Lespedeza, (2) any crop for which credit is given in 1939 under any other practice, and (3) wheat in Oklahoma and Texas), of which a good stand and good growth is (a) plowed or disked under on land not subject to erosion, or if subject to erosion, such crop is followed by a winter

cover crop, or (b) left on land subject to erosion or in orchards or on commercial vegetable or potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

15. Seeding adapted varieties of alfalfa.

16. Seeding permanent grasses or pasture mixtures containing a full seeding of Rhodes, Dallis, grama, or Bermuda grass.

17. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted after January 1, 1936, and before January 1, 1939 (or before July 1, 1939, under a cooperative agreement with the Prairie State Forestry Project).

D. Each acre of the following shall be counted as three units:

18. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

E. Each acre of the following shall be counted as four units:

19. Establishment of a permanent vegetative cover by planting crowns of Kudzu.

F. Each acre of the following shall be counted as five units:

20. Planting forest trees, provided a good stand is attained and such trees are protected and cultivated in accordance with approved tree culture.

21. Control of seriously infested plots of bindweed (*Convolvulus arvensis*) on cropland in organized weed control districts, including counties where county officials are cooperating under the State control law, in accordance with good chemical methods (this practice applicable only in Oklahoma).

G. Each two acres of the following shall be counted as one unit:

22. Summer legumes (interplanted or grown in combination with soil-depleting crops) not classified as soil-depleting, of which a good stand and a good growth is obtained and is not harvested, excluding peanuts hogged off.

23. Seeding timothy or redbud or a mixture consisting solely of timothy and redbud.

H. Each 4 acres of the following shall be counted as one unit:

24. Leaving on the land as a protection against wind erosion the stalks of sorghums (including broomcorn) or Sudan grass, classified as soil-depleting, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940. This practice will apply only in the following counties:

OKLAHOMA—Beaver, Cimarron, Harper, and Texas.

TEXAS—Dallam, Deaf Smith, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, and Sherman.

25. Contour listing, deep or shallow sub-soiling, or furrowing noncrop land.

26. Stripcropping with alternate strips of close-grown crops and intertilled crops or fallow.

27. Protecting summer-fallowed acreage from wind and water erosion by contour listing or pit cultivation; and in designated areas incorporating small-grain stubble and straw into the surface soil. No credit will be given for this practice on any farm when carried out on light sandy soils or on soils in any area where destruction of the vege-

tative cover results in the land becoming subject to serious wind erosion. This practice is applicable only in the following counties and all other counties in Oklahoma and Texas lying west of these counties:

OKLAHOMA—Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton.

TEXAS—Clay, Jack, Palo Pinto, Erath, Hamilton, Lampases, Burnett, Blanco, Kendall, Bandera, Medina, Atascosa, Live Oak, Jim Wells, and Kleberg.

H. Each 8 acres of the following shall be counted as one unit:

28. Contour farming intertilled crops.

29. Contour listing, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation. (Not applicable in Arkansas, nor at this rate in the special wind erosion area.)

I. Each 10 acres of the following shall be counted as one unit:

30. Contour seeding of small-grain crops for harvest in 1939.

31. Pit cultivation, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation. (Not applicable in Arkansas, nor at this rate in the special wind erosion area.)

Section 9. RESTORATION LAND

A. County Goals.—County goals shall be established by distributing the State restoration land goal established by the Secretary among the following counties on the basis of the amount of land in such counties which was cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored:

OKLAHOMA—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, Woods, and Woodward.

TEXAS—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, and Wheeler.

B. Farm Goals.—The restoration land goal for any farm shall be determined by the county committee, with the assistance of other local committees, on the basis of the land in the farm which was designated as restoration land under the 1938 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

C. Payments.—The payment is **50 cents** for each acre in the restoration land goal for the farm. There shall be a deduction of **\$1.00** for each acre of restoration land on which approved conservation measures are not carried out in 1939, and a deduction of **\$3.00** for each acre of restoration land designated in 1938 or 1939 which is plowed or tilled in 1939 for any purpose other than tillage practices to protect the land from wind erosion, or tillage operations necessary for the seeding of an approved non-depleting cover crop of which the entire growth is left on the land.

D. Restoration Land means farm land, in areas designated by the Administrator as areas subject to serious wind erosion and areas con-

taining large acreages unsuited to continued production of cultivated crops, which has been cropped at least once since January 1, 1930, and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

Section 10. SPECIAL WIND EROSION AREA

In addition to other applicable provisions of this bulletin, the following provisions are applicable only in the following counties:

OKLAHOMA—Cimarron and Texas.

TEXAS—Dallam, Hartley, Moore, and Sherman.

The soil-building goal for any farm in the special wind erosion area shall not be less than one unit for each \$5.00 of the total payments computed for the farm, including payments computed for special and general crops, except as provided in section 8 for any farm owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each acre of the following shall be counted as one unit:

1. Leveling of hummocks created by wind erosion where such practice has prior approval of the county committee. (Applicable only on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.)

B. Each 6 acres of the following shall be counted as one unit:

2. Contour listing, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

C. Each 8 acres of the following shall be counted as one unit:

3. Pit cultivation, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

D. Each 10 acres of the following shall be counted as one unit:

4. Natural vegetative cover or small grain stubble of crops harvested in 1939 left on cropland not tilled after July 1, 1939, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940. (Not applicable on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own land for conservation purposes.)

5. Contour cultivation with a shallow furrowing or shovel-type implement following small-grain crops harvested in 1939.

Section 11. MISCELLANEOUS DEDUCTIONS

A. **Failure to Prevent Wind and Water Erosion.**—\$1.00 for each acre of land other than restoration land, in the following counties subject to serious wind and water erosion, on which approved measures for the prevention of wind and water erosion are not adopted in 1939:

OKLAHOMA—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, Woods, and Woodward.

TEXAS—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, and Wheeler.

B. Breaking Out Native Sod.—\$3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established which, in the following counties subject to serious wind erosion or containing large acreages unsuited to continued production of cultivated crops, is broken out during the period November 1, 1938 to October 31, 1939, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such cropland to be in addition to that designated as restoration land.

OKLAHOMA—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, Woods, and Woodward.

TEXAS—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, and Wheeler.

Section 12. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and Deductions for Acreage Allotments and Restoration Land Goals.—(1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) on the farm in 1939: *Provided*, That if because of crop failure the harvested acreage of any such crop(s) is less than the planted acreage of such crop(s) and the county committee finds, in accordance with instructions issued by the A. A. A. that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage planted to such crop(s) in 1939 had been harvested: *Provided further*, That if any such crop(s) is not grown on the farm in 1939 the net payment or net deduction computed for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage in such acreage allotment had been planted and harvested in 1939: *Provided further*, That upon written agreement of all persons who are entitled to receive a landlord's share of the proceeds of any such crop(s), the share of each such person in the net payment or net deduction computed with respect to such crop(s) on any farm comprising separately owned tracts of land shall be determined on the basis of each such person's respective share

(as indicated by their acreage shares) in the acreage allotments which could have been established for such crop(s) on the land in which he has an interest.

(2) The net payment or net deduction computed with respect to the restoration land goal for any farm shall be divided equally between the owners and operators thereof unless the county committee determines that the owners and operators did not contribute equally to the acreage in the restoration land goal and to the carrying out of restoration land measures. In the latter event the net payment or net deduction shall be divided in the proportion that the county committee determines that such owners and operators contributed to the acreage in the restoration land goal and to the carrying out of restoration land measures.

(3) In computing payments and deductions with respect to special and general crops, and restoration land goals, the deduction with respect to (1) failure to prevent wind and water erosion, (2) cropping restoration land, (3) breaking out of native sod, and (4) any net deduction computed for the soil-building goal shall be regarded as deductions for general crops.

B. Soil-Building Practice Payments.—The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one person contributed to the carrying out of soil-building practices in 1939, the payment shall be divided in the proportion that the units contributed by each eligible person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each person contributed thereto.

C. Proration of Net Deductions.—If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section 13. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

A. Increase in Small Payments.—The total payment computed under sections 1 to 12, inclusive, for any person on any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00.

(2) Any payment amounting to more than 71 cents, but less than \$1.00, shall be increased by 40 percent.

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(¹)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(²)

¹ Increase to \$200.00.

² No increase.

B. Payments Limited to \$10,000.—The total of all payments made under the 1939 program pursuant to the provisions of section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made under the 1939 program pursuant to the provisions of section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including any payment received in Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000. All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms.—(1) The net deduction computed for any landlord or tenant under section 12 C shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses.—There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of Purposes of the Program.—(1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld if (a) he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments except those for carrying out restoration land measures and soil-building practices shall be computed for any farm which is otherwise idle in 1939.

(3) In areas designated by the Administrator as areas subject to serious wind erosion in 1939 no payment will be made to any person with respect to any farm which such person owns or operates in a county, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind erosion control measures on land under his control to the extent that any part of such land has become a wind erosion hazard in 1939 to the community in which such farm is located.

F. Payment Computed and Made Without Regard to Claims.—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.—If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to him under the 1938 program, payments to the landlord under the 1939 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county

committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments shall not be greater than the amount that would otherwise be made to him if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person under the 1939 program.

H. Assignments.—Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A.

Nothing contained in this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage.—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1939 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of cotton, during 1939 on land in any farm in which he has an interest in excess of the cotton allotment established for the farm for 1939, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants, or causes or permits the planting of cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm for 1939 shall not be eligible for any payment under the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment shall be presumed to have knowingly planted cotton on his farm on acreage in excess of the allotment if notice of the allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless he establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

J. Use of Soil-Conserving Crops for Market.—In counties designated by the A. A. A. as counties in which performance with respect to

the use of soil-conserving crops for market will have to be determined, payment will not be made to any farm unless (1) the increase above normal in the number of dairy cows does not exceed two cows, or (2) there is an acreage of cropland or restoration land equal to the amount by which the usual or normal acreage of soil-depleting crops on the farm exceeds the larger of the total soil-depleting allotment or the acreage classified as soil-depleting on the farm in 1939, which is not devoted to soil-conserving crops which are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of 10 percent or more of the milk, or products thereof, produced on the farm.

Section 14. MATERIALS FURNISHED TO CARRY OUT SOIL-BUILDING PRACTICES

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the A. A. A. to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the A. A. A. in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm the amount of such difference shall be repaid by him to the Secretary.

Section 15. APPLICATION FOR PAYMENT

A. Persons Eligible to File Applications.—An application for payment for a farm may be made by any person who, under the provisions of section 12 shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participates thereon in 1939 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

B. Time and Manner of Filing Application and Information Required.—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office

of each county committee and making copies of the same available to the press.

C. Application for Other Farms.—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof.

Section 16. APPEALS

Any person may, within 15 days, after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Section 17. DEFINITIONS

For the purposes of the 1939 program—

SOUTHERN REGION means the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

AREA A means all counties in Oklahoma and Texas and the following counties in Arkansas: Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Prairie (except Area II), Randolph (except Area I), Sharp, Stone, Van Buren, and Washington.

PERSON means an individual, partnership, association, corporation, estate, or trust, and if applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD means a person who owns land and rents such land to another person or operates such land.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral

lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the A. A. A., by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that—

(a) There is one crop rotation system on the entire area of land;

(b) The yields and productivity of the land under different ownerships do not vary substantially;

(c) The combination is not being made for the purpose of increasing allotments or primarily for the purpose of effecting compliance; and

(d) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

CROPLAND means farm land which in 1938 was tilled or was in a regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1939 (excluding non-bearing orchards and vineyards), from which the principal part of the productivity is normally sold.

SOIL-DEPLETING ACREAGE means the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(1) Corn planted for any purpose except sweet corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose (except when a good stand and a good growth is plowed or disced under as a green manure crop before heading, in the following counties in Texas and in all counties in Texas lying east of these counties: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Hays,

Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Nueces, and Kleberg).

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugar beets planted for any purpose.

(6) Sugarcane grown for any purpose.

(7) Rice planted for any purpose.

(8) Peanuts harvested for nuts or dug for hay.

(9) Broomcorn harvested for any purpose.

(10) Annual truck and vegetable crops, including melons and sweet-potatoes, planted for any purpose except when grown in home gardens for use on the farm.

(11) Perennial truck and vegetable crops, including strawberries harvested for any purpose except when grown in home gardens for use on the farm.

(12) Potatoes planted for any purpose except when grown in home gardens for use on the farm.

(13) Canning peas and freezing peas harvested for any purpose except when grown in home gardens for use on the farm.

(14) Wheat planted (or considered as planted in accordance with the definition set out in section 2 I) for any purpose on farms for which wheat acreage allotments are established.

(15) Wheat (on farms for which wheat acreage allotments are not established) or oats, barley, and rye or mixtures containing such crops on any farm; (a) when harvested for grain; and (b) when harvested for hay, *except* (i) when such crops are used as nurse crops for legumes or perennial grasses of which a good stand is established in 1939 and the nurse crop is cut green for hay; or (ii) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes.

(16) Sweet sorghums, Sudan grass, or millet harvested for grain, seed, or syrup.

(17) Soybeans harvested for seed for crushing.

(18) Summer-fallowed acreage not protected from wind and water erosion by methods approved by the State committee.

NON-CROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of "soil-depleting acreage" except sugar beets and the crops for which special crop allotments are established on the farm.

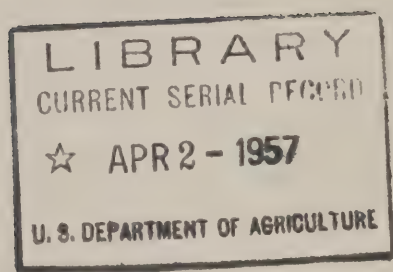
SPECIAL CROPS OR SPECIAL ALLOTMENTS means cotton, wheat, tobacco, rice, peanut, vegetable, or potato acreage allotments.

ANIMAL UNIT means 1 cow, 1 horse, 5 sheep, 5 goats, 2 calves, or 2 colts, or the equivalent thereof.

Issued December 30, 1938, with the approval of the Administrator.

I. W. DUGGAN,
Director, Southern Division.

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U. S. DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

SOUTHERN DIVISION

1939 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION

SOUTHERN REGION BULLETIN 301 FOR THE A AREA
(REVISED)

(Applicable to farms in Oklahoma and Texas and the following designated counties in Arkansas: Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Prairie (except Area II), Randolph (except Area I), Searcy, Sharp, Stone, Van Buren, and Washington.)

[A compilation of the provisions of the 1939 Agricultural Conservation Program, effective as of August 24, 1939.]

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SECTION 5. Commercial vegetables.	

Omitted as no commercial vegetable counties were established.

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SECTION 6. Irish potatoes.	
Omitted as no Irish potato counties were established.	
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Pursuant to the provisions of the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program) Bulletin (ACP-1939), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration (hereinafter referred to as the A. A. A.), payments and grants of aid will be made for participation in the A area of the Southern Region in the 1939 program in accordance with the provisions of this Southern Region Bulletin 301 for the A Area (SRB-301A) and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1939 program contained in this bulletin are not applicable (except section B) in Sherman County, Texas, or to land in which the beneficial ownership is in the United States.

Section 1. COTTON

A. National Goal.—The 1939 national goal for cotton is 27,000,000 to 29,000,000 acres.

B. National and State Allotments.—(1) The national cotton allotment is 26,115,804 acres.

(2) The State cotton allotments are as follows:

State	Acres
Arkansas-----	2,275,826
Oklahoma-----	2,114,164
Texas-----	9,599,032

C. County Allotments.—(1) County allotments shall be determined by prorating the State allotment less a reserve for new cotton farms¹ among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under A. A. A. programs during the 5 years 1933 to 1937, inclusive, except that the county allotment so determined shall be not less than 60 percent of the acreage planted to cotton plus 60 percent of the acreage diverted from cotton in 1937.

(2) If the A. A. A. finds that there are more than one administrative area in any county which, because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton plus the acreage diverted from cotton in 1937 or, if the A. A. A. determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, the allotment shall be distributed on the basis of the cotton base acreages that were determined under the 1937 Cotton Price Adjustment Plan.

D. Farm Allotments.—(1) The county committee, with the assistance of the other local committees, shall apportion the county allotment² among the farms on which cotton was planted in any one of the years 1936, 1937, or 1938. The allotment for each such farm shall be a percentage³ of the cropland in the farm, excluding the acreage normally devoted to the commercial production of sugarcane for sugar, tobacco, rice, or wheat, except that:

(a) If the highest acreage planted to cotton and diverted from cotton in any one of the 3 years 1936, 1937, or 1938 (hereinafter referred to as the highest cotton acreage) was 5 acres or less, the allotment shall be the highest cotton acreage.

(b) If the highest cotton acreage was more than 5 acres, the allotment shall not be less than 5 acres.

(c) Notwithstanding the foregoing provisions of this paragraph (1), not more than 3 percent of the county allotment remaining after making the allotments under clauses (a) and (b)

¹ This reserve shall be 2 percent of the State allotment and is to be used in the State in making allotments to farms on which cotton will be planted in 1939, but on which cotton was not planted in any of the years 1936, 1937, or 1938.

² In counties in which the county allotment is not sufficient to make the allotments provided under (a) and (b) of this paragraph (1) or if such allotments result in a substantially smaller allotment for any farm in the county than would have resulted in the absence of the provisions of (a) and (b), a part of a 4 percent State reserve shall be available for apportionment in the county, in accordance with instructions contained in Southern Region Bulletin 302 (hereinafter referred to as SRB-302).

³ This percentage shall be the same for all farms in the county or administrative area.

above may be apportioned among farms in the county on which cotton was planted in any one of the years 1936, 1937, or 1938, and for which the allotment otherwise provided is less than 15 acres.

In making allotments under clause (c) consideration shall be given to the land, labor, equipment, crop-rotation practices, soil, and other facilities affecting the production of cotton. In no event shall the apportionment under this clause (c) result in an allotment in excess of 15 acres nor shall any allotment under this paragraph (1) exceed the highest cotton acreage.

(2) After allotments have been made from the 4 percent reserve as provided in footnote 2, paragraph (1) above, one-half of the remainder of the 4 percent reserve shall be apportioned to farms for which the allotment otherwise determined is less than 50 percent of the acreage planted to, plus the acreage diverted from, cotton in 1937. The other half of the remainder, if any, of the 4 percent reserve shall be available for increasing the farm allotments which are determined in accordance with the provisions of SRB-302 to be inadequate and not representative in view of past production of cotton on the farm, except that the allotment for any farm shall not be increased under this paragraph above the highest cotton acreage nor above 40 percent of the cropland.

(3) Notwithstanding the provisions of paragraphs (1) and (2) above, the allotment for any farm shall be increased by the amount necessary to provide an allotment of not less than 50 percent of the acreage planted to cotton and diverted from cotton in 1937, except that the allotment for any farm shall not be increased under this paragraph to more than 40 percent of the cropland.

(4) The 2 percent reserve provided under subsection C (1) of this section shall be available for apportionment to farms on which cotton will be planted in 1939 for the first time since January 1, 1936. This apportionment shall be made in accordance with the provisions of SRB-302 and shall result, insofar as such reserve will permit, in comparable allotments to farms which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical facilities affecting the production of cotton.

E. Farm Normal Yields.—The county committee with the assistance of other local committees shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1934 to 1938, inclusive, adjusted for abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area (weighted by the allotments established for such farms) shall not exceed the average yield established for the county or administrative area.

F. Payments.—The payment is **1.8 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **3.6 cents** for each pound of the normal yield of the excess acres, except that no payment whatsoever will be made to any farm on which the cotton allotment is knowingly overplanted.

G. Acreage Planted to Cotton means the acreage seeded to cotton the staple of which is normally less than $1\frac{1}{2}$ inches in length, which reaches the stage of growth at which bolls are first formed.

Section 2. WHEAT

A. National Goal.—The 1939 national goal for wheat is 55,000,000 to 60,000,000 acres.

B. National and State Allotments.—(1) The national wheat allotment is 55,000,000 acres.

(2) The State wheat allotments are as follows:

State	Acrea
Arkansas	65,115
Oklahoma	3,783,954
Texas	3,684,863

C. County Allotments.—County allotments shall be established by distributing the State allotment among the counties pro rata on the basis of the acreage planted to wheat plus the acreage diverted from wheat during the 10 years 1928 to 1937, inclusive, with adjustment for trends in acreage and abnormal weather conditions.

D. Farm Allotments.—(1) The county committee with the assistance of other local committees shall apportion the county allotment among the farms on which wheat was planted for harvest in one or more of the 3 years 1936, 1937, or 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable. Allotments for 1939 will be established for all farms on which 100 bushels or more of wheat are normally produced for market. In addition, in Bailey, Lamb, Hale, Lubbock, Lynn, Borden, Scurry, Fisher, Nolan, Rannels, Coleman, Brown, Mills, Hamilton, Coryell, Bell, McLennan, Hill, Ellis, Dallas, Collin, Fannin, and all other counties in Texas north of these counties, except Stonewall, Hood, and Somervell counties; and in Kay, Noble, Logan, Oklahoma, Cleveland, Canadian, Grady, Comanche, Cotton and all counties west of these counties in Oklahoma, allotments will be established for all farms, except non-allotment wheat farms.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any one of the 3 years 1936, 1937, or 1938, but on which wheat is

planted for harvest in 1939. This apportionment shall be made on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

E. Usual Acreages.—Usual acreages of wheat shall be established for all farms for which a wheat allotment is not established and on which the normal acreage of wheat harvested for grain or hay is more than 8 acres. In accordance with the provisions of SRB-302, the usual acreage shall be determined on the basis of the past acreage with due allowance for abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography.

F. Non-Allotment Wheat Farm means (1) a farm for which the wheat allotment is determined to be 8 acres or less and the persons having an interest in the wheat planted on the farm elect on or before December 31, 1938 to have such farm considered as a non-allotment farm, or (2) farms in areas designated by the Administrator as subject to wind erosion, owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

G. Farm Normal Yields.—The county committee with the assistance of other local committees shall determine a normal wheat yield for each farm having a wheat allotment.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1928 to 1937, inclusive, adjusted for trends in yields and abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, the county committee determines, was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land. Where the productivity index most recently established for the farm is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying the index by the average yield established for the county shall be used as the normal yield for the farm.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the allotments established for such farms) shall not exceed the average yield established for the county.

H. Payments.—The payment is **17 cents** for each bushel of the normal yield for each acre in the wheat allotment. For a wheat allotment farm there shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment. For a non-allotment farm a deduction

shall be computed on the basis of the acreage of wheat classified as soil-depleting under section 17 in excess of the larger of (1) the usual acreage, or (2) 8 acres.

I. Acreage Planted to Wheat (for a farm on which a wheat allotment is established) means (1) any acreage seeded to wheat which is on the farm on or after December 15, 1938 (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after May 1, 1939, in the following counties:

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, Woods, and Woodward;

TEXAS.—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, and Wheeler.

and after April 15, 1939, in all other counties; and (3) any acreage which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay: *Provided*, That in no event shall the acreage regarded as planted to wheat be less than the acreage used in computing the final total insured production for adjusting losses for crop insurance.

Section 3. PEANUTS

A. National Goal.—The 1939 national goal for peanuts is 1,550,000 to 1,650,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments in the commercial peanut-producing areas shall be established by distributing the State allotment among such counties on the basis of the peanut base acreages established under the 1937 program and the 1937 acreage of peanuts for market, taking into consideration trends in acreage on commercial peanut-producing farms. The following counties in Texas are in the commercial peanut-producing area: Atascosa, Bexar, Comanche, Eastland, Frio, LaSalle, Medina, and Wilson.

D. Farm Allotments.—In commercial peanut-producing areas the county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts customarily grown for market and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for market for each farm having a peanut allotment. The normal yield shall be the yield which may reasonably be expected from the land devoted to peanuts for market in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of peanuts customarily made on the farm. The average yield for all farms in any county shall not exceed the average yield of peanuts established for the county.

F. Payments.—The payment is **15 cents** for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.25** for each 100 pounds of the normal yield of the excess acreage.

G. Peanuts for Market means all peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons not living on the farm.

Section 4. RICE

A. National Goal.—The 1939 national goal for rice is 850,000 to 880,000 acres.

B. National and State Allotments.—(1) The national rice allotment is 861,076 acres.

(2) The State rice allotments are as follows:

<i>State</i>	<i>Acres</i>
Arkansas-----	147,317
Texas-----	189,300

C. Allotments.—(1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each producer who is participating in the production of rice in 1939 and who participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive, on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1939, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned among producers who are participating in the production of rice in 1939 for the first time since January 1, 1934, on the basis of the applicable standards of apportionment set forth in this subsection, except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1939 for the first time since January 1, 1934, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive.

D. Farm Normal Yields.—The county committee with the assistance of other local committees shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1934 to 1938, inclusive, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily

made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1939 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1934 to 1938, inclusive, established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields shall not exceed the State average yields.

E. Payments.—The payment is 9 cents for each 100 pounds of the normal yield for each acre in the rice allotment. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of 72 cents for each 100 pounds of the normal yield of the excess acres.

NOTE: Sections 5 and 6 omitted.

Section 7. TOTAL SOIL-DEPLETING CROPS

A. National Goal.—The 1939 national goal for total soil-depleting crops is 270,000,000 to 285,000,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments of total soil-depleting crops shall be established by distributing the State allotment of total soil-depleting crops among the counties on the basis of the total soil-depleting allotment established under the 1938 program, with due allowance for trends in acreage of soil-depleting crops, changes in area designations, and crop classifications, and the relationship of the special allotments established for 1938 to the special allotments established for 1939.

D. Farm Allotments.—The county committee with the assistance of other local committees shall establish a total soil-depleting allotment for each farm. The allotment shall be established on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments. The allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

E. Farm Productivity Indexes.—The county committee with the assistance of other local committees shall determine a productivity index in accordance with the provisions of SRB-302 for each farm participating in the program. Such productivity index shall be based upon the normal yield per acre for the farm of the principal soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the principal soil-depleting crops in the county does not accurately reflect the productivity of a farm, the yield of a crop that does reflect the productivity index for such farm may be used, provided that the pro-

ductivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity. The average productivity index for all farms in the county shall not exceed 100 unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Administrator.

F. Payments.—The rate of payment for general allotment farms is the county rate⁴ per acre, adjusted for productivity, for each acre in the total soil-depleting allotment in excess of the allotments for special crops and the acreage of sugar beets for sugar planted in 1939. If the acreage classified as soil-depleting is in excess of the total allotment, there shall be a deduction for general allotment farms at the rate of \$8.00 per acre for the nation as a whole, adjusted for productivity for the county and for the farm, for each acre classified as soil-depleting in excess of the sum of (1) the total allotment and (2) the acreage of special crops for which deductions are computed; or if the farm is a non-general allotment farm, for each acre in excess of the sum of (1) 20 acres, (2) the cotton allotment for the farm, and (3) the acreage of special crops for which deductions are computed.

G. Non-General Allotment Farm means a farm for which a total soil-depleting allotment (excluding the cotton allotment) of 20 acres or less is determined and the persons having an interest in the general crops planted on the farm elect, in accordance with instructions issued by the A. A. A., to have such farm considered as a non-general-allotment farm.

Section 8. SOIL-BUILDING

A. National Goal.—The 1939 national soil-building goal shall be the conservation of cropland not required in 1939 for the growing of soil-depleting crops; the restoration insofar as practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

B. County Goals.—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

C. Farm Goals.—The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section, except (1) that in designated counties⁵ for any farm owned or controlled by a conservation district, an

⁴ The average rate of payment for general crops in the United States is \$1.10 per acre. The Secretary will establish for each county a county per-acre rate which will vary among the counties as the productivity of the cropland in the county devoted to the production of general crops varies as compared with the productivity of cropland in the United States devoted to the production of such crops. For the purposes of this footnote, the term "county" shall be deemed to be an "administrative area" where applicable.

⁵ OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, Woods, and Woodward. TEXAS.—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, and Wheeler.

association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes, the goal shall not be less than one unit for each **\$2.00** of the total payment computed for the farm, and the total payment for such farm shall be considered as a payment in connection with soil-building practices, and except (2) as provided in section 10 for farms in the special wind erosion area. The goal shall represent the number of units of applicable practices to be carried out. The county committee shall assist farmers in determining what practices are to be carried out in meeting the goal. These practices should be those most needed to conserve and improve soil fertility and prevent wind and water erosion, and should not be routine farming practices.

D. Payments.—The maximum payment which may be earned for carrying out soil-building practices is the sum of the following:

(1) **50 cents** per acre of cropland in excess of the total soil-depleting allotment for the farm;

(2) **70 cents** for each acre in the vegetable allotment;

(3) **\$1.50** per acre of commercial orchards on the farm on January 1, 1939;

(4) (a) On farms in Texas and Oklahoma, **2 cents** per acre of non-crop open pasture land plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture;

(b) On farms in Arkansas, **25 cents** per acre of fenced non-crop open-pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining, during the normal pasture season, at least one animal unit for each 5 acres of such pasture land;

(5) For non-general allotment farms the county rate per acre adjusted for productivity for each acre in the total allotment in excess of the acreage used to compute payments for special crops and the acreage of sugar beets for sugar planted in 1939.

For each unit by which the soil-building goal is not reached there shall be a deduction at the rate of **\$1.50** a unit from the maximum payment which may be earned by carrying out soil-building practices.

E. Practices.—The soil-building practices listed below shall count toward reaching the soil-building goal to the extent indicated, when they are carried out in 1939 in accordance with specifications issued by the Director of the Southern Division or by the State committee with the approval of the Director of the Southern Division. Each practice must be performed in a workmanlike manner and in accordance with good farming practices for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the A. A. A. shall not be counted toward reaching the goal. If a part of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the A. A. A. and such part represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward reaching the goal; if such part represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward reaching the goal, except that labor, seed,

trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any * * * State agency" within the meaning of this paragraph. No credit for reaching the goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into in connection with the Prairie States Forestry Projects.

Full credit for reaching the goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid by the owner or operator or covered by a loan agreement executed by him. If a portion of such cost is not paid by the owner or operator or covered by a loan agreement executed by him and such portion constitutes less than one-half of such cost, one-half credit will be given. If such portion constitutes one-half or more of such cost, no credit for reaching the goal will be given for such practices.

Wind erosion control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on land owned or leased by a conservation district, conservation association organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as **one unit**:

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or with seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, annual rye grass, or permanent pasture, which are not seeded or grown with a soil-depleting crop.

2. Application of 500 pounds of basic slag or rock phosphate including colloidal phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, annual rye grass, or permanent pasture, which are not seeded or grown with a soil-depleting crop.

3. Application of 1,500 pounds of ground limestone or its equivalent.

4. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land.

5. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

6. Contour ridging of noncrop open pasture land—750 linear feet of ridges or terrace.

7. Construction of reservoirs and dams—10 cubic yards of material moved in making the fill or excavation.

8. Construction of concrete or rubble masonry check dams or drops and measuring weirs for the control or erosion leaching and seepage or irrigated cropland and orchard land—7 cubic feet of concrete or rubble masonry (applicable only in arid and semi-arid areas).

9. Construction of 300 linear feet of ditching, with a depth of 1 foot and top width of 4 feet, or the cubic equivalent thereof for the diversion and spreading of flood water or well water on restoration land, cropland, pasture land, or hay land (applicable only in arid and semi-arid areas).

10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

11. Natural reseedling of noncrop open pasture by non-grazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period.

B. Each acre of the following shall be counted as one unit:

12. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop) or mixtures (other than a mixture consisting solely of timothy and redtop) containing perennial grasses, perennial legumes, or biennial legumes (except any of these crops qualifying at a higher rate of credit under this section).

13. Seeding winter legumes, annual Lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover.

14. Green manure crops and cover crops (excluding (1) Lespedeza, (2) any crop for which credit is given in 1939 under any other practice, and (3) wheat in Oklahoma and Texas), of which a good stand and good growth is (a) plowed or disked under on land not subject to erosion, or if subject to erosion, such crop is followed by a winter cover crop, or (b) left on land subject to erosion or in orchards or on commercial vegetable or potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

15. Seeding adapted varieties of alfalfa.

16. Seeding permanent grasses or pasture mixtures containing a full seeding of Rhodes, Dallis, grama, or Bermuda grass.

17. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted after January 1, 1936, and before January 1, 1939 (or before July 1, 1939, under a cooperative agreement with the Prairie State Forestry Project).

D. Each acre of the following shall be counted as three units:

18. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

E. Each acre of the following shall be counted as four units:

19. Establishment of a permanent vegetative cover by planting crowns of Kudzu.

F. Each acre of the following shall be counted as five units:

20. Planting forest trees, provided a good stand is attained and such trees are protected and cultivated in accordance with approved tree culture.

21. Control of seriously infested plots of bindweed (*Convolvulus arvensis*) on cropland in organized weed control districts, including counties where county officials are cooperating under the State control law, in accordance with good chemical methods (this practice applicable only in Oklahoma).

G. Each two acres of the following shall be counted as **one unit**:

22. Summer legumes (interplanted or grown in combination with soil-depleting crops) not classified as soil-depleting, of which a good stand and a good growth is obtained and is not harvested, excluding peanuts hogged off.

23. Seeding timothy or redbtop or a mixture consisting solely of timothy and redbtop.

H. Each 4 acres of the following shall be counted as **one unit**:

24. Leaving on the land as a protection against wind erosion the stalks of sorghums (including broomcorn) or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940. This practice will apply only in the following counties:

OKLAHOMA.—Beaver and Harper.

TEXAS.—Deaf Smith, Hansford, Hutchinson, Lipscomb, Ochiltree, and Oldham.

25. Contour listing, deep or shallow sub-soiling, or furrowing noncrop land.

26. Stripcropping with alternate strips of close-grown crops and intertilled crops or fallow.

27. Protecting summer-fallowed acreage from wind and water erosion by contour listing or pit cultivation; and in designated areas incorporating small-grain stubble and straw into the surface soil. No credit will be given for this practice on any farm when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover results in the land becoming subject to serious wind erosion. This practice is applicable only in the following counties and all other counties in Oklahoma and Texas lying west of these counties:

OKLAHOMA.—Kay, Noble, Logan, Oklahoma, Canadian, Grady, Comanche, and Cotton.

TEXAS.—Clay, Jack, Palo Pinto, Erath, Hamilton, Lampases, Burnett, Blanco, Kendall, Bandera, Medina Atascosa, Live Oak, Jim Wells, and Kleberg.

I. Each 8 acres of the following shall be counted as **one unit**:

28. Contour farming intertilled crops.

29. Contour listing, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation. (Not applicable in Arkansas, nor at this rate in the special wind erosion area.)

I. Each 10 acres of the following shall be counted as **one unit**:

30. Contour seeding of small-grain crops for harvest in 1939.

31. Pit cultivation, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation. (Not applicable in Arkansas, nor at this rate in the special wind erosion area.)

Section 9. RESTORATION LAND

A. County Goals.—County goals shall be established by distributing the State restoration land goal established by the Secretary among the following counties on the basis of the amount of land in such counties which was cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and be-

cause of climatic conditions, a permanent vegetative cover should be restored:

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Hills, Texas, Woods, and Woodward.

TEXAS.—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, and Wheeler.

B. Farm Goals.—The restoration land goal for any farm shall be determined by the county committee, with the assistance of other local committees, on the basis of the land in the farm which was designated as restoration land under the 1938 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

C. Payments.—The payment is **50 cents** for each acre in the restoration land goal for the farm. There shall be a deduction of **\$1.00** for each acre of restoration land on which approved conservation measures are not carried out in 1939, and a deduction of **\$3.00** for each acre of restoration land designated in 1938 or 1939 which is plowed or tilled in 1939 for any purpose other than tillage practices to protect the land from wind erosion, or tillage operations necessary for the seeding of an approved non-depleting cover crop of which the entire growth is left on the land.

D. Restoration Land means farm land, in areas designated by the Administrator as areas subject to serious wind erosion and areas containing large acreages unsuited to continued production of cultivated crops, which has been cropped at least once since January 1, 1930, and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

Section 10. SPECIAL WIND EROSION AREA

In addition to other applicable provisions of this bulletin, the following provisions are applicable only in the following counties:

OKLAHOMA.—Cimarron and Texas.

TEXAS.—Dallam, Hartley, and Moore.

The soil-building goal for any farm in the special wind erosion area shall not be less than one unit for each **\$7.50** of the total payments computed for the farm, including payments computed for special and general crops, except as provided in section 8 for any farm owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own or lease land for conservation purposes.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each acre of the following shall be counted as **one unit**:

1. Leveling of hummocks created by wind erosion where such practice has prior approval of the county committee. (Applicable only on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any govern-

mental agency authorized by State law to own or lease land for conservation purposes.)

B. **Each 3 acres** of the following shall be counted as **one unit**:

2. Leaving on the land as a protection against wind erosion the stalks of sorghums (including broomcorn) or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940.

C. **Each 6 acres** of the following shall be counted as **one unit**:

3. Contour listing, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

D. **Each 8 acres** of the following shall be counted as **one unit**:

4. Pit cultivation, except when carried out on protected summer-fallowed acreage or as a part of the seeding operation.

E. **Each 10 acres** of the following shall be counted as **one unit**:

5. Natural vegetative cover or small grain stubble of crops harvested in 1939 left on cropland not tilled after July 1, 1939, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940. (Not applicable on farms owned or controlled by a conservation district, an association organized for conservation purposes, or any governmental agency authorized by State law to own land for conservation purposes, except on land on which contour listing (practice No. C-3) is carried out prior to May 1, 1939, and a good vegetative growth is obtained following the carrying out of such practice.)

6. Contour cultivation with a shallow furrowing or shovel-type implement following small-grain crops harvested in 1939.

Section 11. MISCELLANEOUS DEDUCTIONS

A. **Failure to Prevent Wind and Water Erosion.**—\$1.00 for each acre of land other than restoration land, in the following counties subject to serious wind and water erosion, on which approved measures for the prevention of wind and water erosion are not adopted in 1939:

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, Woods, and Woodward.

TEXAS.—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, and Wheeler.

B. **Breaking Out Native Sod.**—\$3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established which, in the following counties subject to serious wind erosion or containing large acreages unsuited to continued production of cultivated crops, is broken out during the period November 1, 1938 to October 31, 1939, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such cropland to be in addition to that designated as restoration land.

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, Woods, and Woodward.

TEXAS.—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Farmer, Potter, Randall, Roberts, and Wheeler.

Section 12. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and Deductions for Acreage Allotments and Restoration Land Goals.—(1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) on the farm in 1939: *Provided*, That if because of crop failure the harvested acreage of any such crop(s) is less than the planted acreage of such crop(s) and the county committee finds, in accordance with instructions issued by the A. A. A. that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage planted to such crop(s) in 1939 had been harvested: *Provided further*, That if any such crop(s) is not grown on the farm in 1939 the net payment or net deduction computed for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage in such acreage allotment had been planted and harvested in 1939: *Provided further*, That upon written agreement of all persons who are entitled to receive a landlord's share of the proceeds of any such crop(s), the share of each such person in the net payment or net deduction computed with respect to such crop(s) on any farm comprising separately owned tracts of land shall be determined on the basis of each such person's respective share (as indicated by their acreage shares) in the acreage allotments which could have been established for such crop(s) on the land in which he has an interest: *Provided further*, That if for any reason the total acreage of cotton on the farm in 1939 is less than 80 percent of the cotton acreage allotment established for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1939 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1939, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1939.

(2) The net payment or net deduction computed with respect to the restoration land goal for any farm shall be divided equally between the owners and operators thereof unless the county committee determines that the owners and operators did not contribute equally to the acreage in the restoration land goal and to the carrying out of restoration land measures. In the latter event the net payment or net deduction shall be divided in the proportion that the county committee determines that such owners and operators contributed to the acreage in the restoration land goal and to the carrying out of restoration land measures.

(3) In computing payments and deductions with respect to special and general crops, and restoration land goals, the deduction with respect to (1) failure to prevent wind and water erosion, (2) cropping restoration land, (3) breaking out of native sod, and (4) any net deduction computed for the soil-building goal shall be regarded as deductions for general crops.

B. Soil-Building Practice Payments.—The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one person contributed to the carrying out of soil-building practices in 1939, the payment shall be divided in the proportion that the units contributed by each eligible person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each person contributed thereto.

C. Proration of Net Deductions.—If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section 13. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

A. Increase in Small Payments.—The total payment computed under sections 1 to 12, inclusive, for any person on any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00.

(2) Any payment amounting to more than 71 cents, but less than \$1.00, shall be increased by 40 percent.

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(¹)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(²)

¹ Increase to \$200.00.

² No increase.

B. Payments Limited to \$10,000.—The total of all payments made under the 1939 program pursuant to the provisions of section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made under the 1939 program pursuant to the provisions of section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including any payment received in Alaska, Hawaii, and Puerto Rico) shall not

exceed the sum of \$10,000. All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms.—(1) The net deduction computed for any landlord or tenant under section 12 C shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses.—There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of Purposes of the Program.—(1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld if (a) he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.⁶

(2) No payments except those for carrying out restoration land measures and soil-building practices shall be computed for any farm which is otherwise idle in 1939.

(3) In the following counties:

OKLAHOMA.—Beaver, Cimarron, Ellis, Harper, Roger Mills, Texas, Woods, and Woodward;

TEXAS.—Carson, Castro, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, and Wheeler,

⁶In cases where the county committee determines that a person has used or has permitted, procured, or consented to the use of a cotton marketing card contrary to the purposes for which it was intended to be used in the "Regulations Pertaining to Cotton Marketing Quotas for the 1938-1939 Marketing Year" (designated Cotton 207), and such action results in erroneous county office records of the amount of cotton produced in 1938 on the farm in which such person has an interest, all of the payment which such person would otherwise receive under the 1939 program shall be withheld if, as a result of such action, the 1938 yield computed for the farm on the basis of the erroneous production is reflected in the normal yield initially established for the farm under the 1939 program. The county committee shall address a registered letter, return receipt requested, to each person whose payment is withheld pursuant to the above. The letter should state the reason the payment is denied and should also state that the person has the right of appeal if filed in writing within 15 days after the letter is mailed. A copy of the appeals procedure should be enclosed.

no payment will be made to any person with respect to any farm which such person owns or operates in a county, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind erosion control measures on land under his control to the extent that any part of such land has become a wind erosion hazard in 1939 to the community in which such farm is located.

F. Payment Computed and Made Without Regard to Claims.—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.—If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to him under the 1938 program, payments to the landlord under the 1939 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments shall not be greater than the amount that would otherwise be made to him if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person under the 1939 program.

H. Assignments.—Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A.

Nothing contained in this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage.—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1939 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of cotton, during 1939 on land in any farm in which he has an interest in excess of the cotton allotment established for the farm for 1939, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants, or causes or permits the planting of cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm for 1939 shall not be eligible for any payment under the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment shall be presumed to have knowingly planted cotton on his farm on acreage in excess of the allotment if notice of the allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless he establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

J. Use of Soil-Conserving Crops for Market.—In the following counties:

ARKANSAS.—Benton, Boone, Carroll, and Washington;

OKLAHOMA.—Marshall, Nowata, and Sequoyah;

TEXAS.—Bastrop, Bowie, Brazoria, Caldwell, Camp, Childress, Colorado, Crosby, Dallas, Dawson, Denton, De Witt, El Paso, Fayette, Franklin, Gonzales, Grayson, Guadalupe, Hale, Hill, Hockley, Hopkins, Hunt, Jim Wells, Karnes, Lamb, Lee, Lubbock, Lynn, Morris, Neuces, San Patricio, Travis, Washington, Wheeler, Wichita, Williamson, and Wise,

payment will not be made to any farm unless (1) the increase above normal in the number of dairy cows does not exceed two cows, or (2) there is an acreage of cropland or restoration land not devoted to soil-depleting crops equal to the amount by which the usual or normal acreage of soil-depleting crops on the farm exceeds the larger of the total soil-depleting allotment or the acreage classified as soil depleting on the farm in 1939, which is not devoted to soil-conserving crops which are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of 10 percent or less of the milk, or products thereof, produced on the farm.

Section 14. MATERIALS FURNISHED TO CARRY OUT SOIL-BUILDING PRACTICES

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the A. A. A., to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the A. A. A. in any county, State, or other area. This deduction shall be applied first to the pay-

ment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree (1) that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary, and (2) that if the producer uses the materials in a manner which is not in substantial accord with the purposes for which they are furnished, the deduction for the materials misused shall be twice the regular rate of deduction.

Section 15. APPLICATION FOR PAYMENT

A. Persons Eligible to File Applications.—An application for payment for a farm may be made by any person who, under the provisions of section 12 shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participates thereon in 1939 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

B. Time and Manner of Filing Application and Information Required.—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Application for Other Farms.—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof.

Section 16. APPEALS

Any person may, within 15 days, after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters: (a) Eligibility to file an application for pay-

ment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Section 17. DEFINITIONS

For the purposes of the 1939 program—

SOUTHERN REGION means the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

AREA A means all counties in Oklahoma and Texas and the following counties in Arkansas: Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Prairie (except Area II), Randolph (except Area I), Searcy, Sharp, Stone, Van Buren, and Washington.

PERSON means an individual, partnership, association, corporation, estate, or trust, and if applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD means a person who owns land and rents such land to another person or operates such land.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon, and, in the case of rice, also means a person furnishing water for a share of the rice.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

- (1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the A. A. A., determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

- (2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

CROPLAND means farm land which in 1938 was tilled or was in a regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1939 (excluding non-bearing orchards and vineyards), from which the principal part of the productivity is normally sold.

SOIL-DEPLETING ACREAGE means the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(1) Corn planted for any purpose except sweet corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose (except when a good stand and a good growth is plowed or disced under as a green manure crop before heading, in the following counties in Texas and in all counties in Texas lying east of these counties: Montague, Wise, Parker, Hood, Somervell, Bosque, Corvell, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bee, San Patricio, Nueces, and Kleberg).

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugar beets planted for any purpose.

(6) Sugarcane grown for any purpose.

(7) Rice planted for any purpose.

(8) Peanuts harvested for nuts or dug for hay.

(9) Broomcorn harvested for any purpose.

(10) Annual truck and vegetable crops, including melons and sweetpotatoes, planted for any purpose except when grown in home gardens for use on the farm.

(11) Perennial truck and vegetable crops, including strawberries harvested for any purpose except when grown in home gardens for use on the farm.

(12) Potatoes planted for any purpose except when grown in home gardens for use on the farm.

(13) Canning peas and freezing peas harvested for any purpose except when grown in home gardens for use on the farm.

(14) Wheat planted (or considered as planted in accordance with the definition set out in section 2 I) for any purpose on farms for which wheat acreage allotments are established.

(15) Wheat (on farms for which wheat acreage allotments are not established) or oats, barley, and rye or mixtures containing such crops on any farm; (a) when harvested for grain; and (b) when harvested for hay, *except* (i) when such crops are used as nurse crops for legumes or perennial grasses of which a good stand is established in 1939 and the nurse crop is cut green for hay; or (ii) when such crops are

grown in a mixture containing at least 25 percent by weight of winter legumes.⁷

(16) Sweet sorghums, Sudan grass, or millet harvested for grain, seed, or syrup.

(17) Soybeans harvested for seed for crushing.

(18) Summer-fallowed acreage not protected from wind and water erosion by methods approved by the State committee.

(19) Flax planted for any purpose except when used as a nurse crop for biennial or perennial legumes or perennial grasses of which a good stand is established in 1939, or when matched acre for acre by a good stand of biennial or perennial legumes seeded alone in 1939 or perennial grasses seeded alone after November 1, 1938, or in 1939: *Provided*, That in cases where a good stand of such legumes or grasses is not on the farm at the time of final checking of performance, a good stand of such legumes or grasses shall be considered as having been established if the county committee, pursuant to instructions issued by the A. A. A., finds that such legumes or grasses were seeded in workmanlike manner and (a) failure to secure and maintain a good stand was due to flood or drought conditions which prevented the establishment of a good stand on farms generally in the community, or (b) failure to have a good stand was due to grasshoppers or other insects and the farm operator made every reasonable effort to prevent damage by insects, including in any event cooperation in the insect control programs of the Bureau of Entomology and Plant Quarantine in any area in which these programs are in effect.

NON-CROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of "soil-depleting acreage" except sugar beets and the crops for which special crop allotments are established on the farm.

SPECIAL CROPS OF SPECIAL ALLOTMENTS means cotton, wheat, tobacco, rice, peanut, vegetable, or potato acreage allotments.

ANIMAL UNIT means 1 cow, 1 horse, 5 sheep, 5 goats, 2 calves, or 2 colts, or the equivalent thereof.

Issued August 24, 1939, with the approval of the Administrator.

I. W. DUGGAN,
Director, Southern Division.

⁷ In cases where a good stand of legumes or grasses is not on the farm when performance is finally checked, a good stand shall be considered to have been established if the county committee finds that the legumes or grasses were seeded in a workmanlike manner in accordance with the specifications issued for soil-building practices and (a) the failure to have a good stand was due to flood or drought conditions which prevented the establishment of a good stand on farms generally in the community, or (b) the failure to have a good stand was due to grasshoppers or other insects and the farm operator made every reasonable effort to prevent damage by insects, including in any event cooperation in the insect control programs of the Bureau of Entomology and Plant Quarantine in any area in which these programs are in effect.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1939 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN FOR THE B AREA

(Applicable to farms in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and designated counties or administrative areas in Arkansas and Texas.)

Pursuant to the provisions of the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program) Bulletin (ACP-39), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration (hereinafter referred to as the AAA), payments and grants of aid will be made for participation in the B area of the Southern Region in the 1939 program in accordance with the provisions of this Southern Region Bulletin 301 for the B Area (SRB-301B) and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1939 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made from appropriations made by Congress for this purpose only, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deductions may be increased or decreased by as much as 10 percent.

The provisions of the 1939 program contained in this bulletin (except section XI B) are not applicable to counties in the B area of the Southern Region for which special agricultural conservation programs are approved for 1939 by the Secretary or to land in which the beneficial ownership is in the United States.

Section I. COTTON.

A. National Goal. The 1939 national goal for cotton is 27,000,000 to 29,000,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. (1) County allotments shall be determined as follows: The State allotment less a reserve for new cotton farms ^{1/}

^{1/} This reserve shall be 2 percent of the State allotment and is to be used in the State in making allotments to farms on which cotton will be planted in 1939, but on which cotton was not planted in any of the years 1936, 1937, or 1938.

shall be prorated among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under AAA programs during 1933 to 1937, inclusive, except that the county allotment so determined shall be not less than 60 percent of the acreage planted to cotton plus 60 percent of the acreage diverted from cotton in 1937.

(2) If the AAA finds that there are one or more administrative areas in any county which, because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton plus the acreage diverted from cotton in 1937; or, if the AAA determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, the allotment shall be distributed on the basis of the cotton base acreages that were established under the 1937 Cotton Price Adjustment Payment Program.

D. Farm Allotment. (1) The county committee with the assistance of other local committees shall apportion the county allotment among the farms on which cotton was planted in any one of the years 1936, 1937, or 1938. The allotment for each such farm shall be a percentage ^{2/} of the cropland in the farm, excluding the acreage normally devoted to the commercial production of sugarcane for sugar, tobacco, rice, or wheat, except that:

(a) If the highest acreage planted to cotton and diverted from cotton in any one of the 3 years 1936, 1937, or 1938 (hereinafter referred to as the highest cotton acreage) is 5 acres or less, the allotment shall be the highest cotton acreage if the county allotment is sufficient therefor.

(b) If the highest cotton acreage is more than 5 acres, the allotment shall not be less than 5 acres if the county allotment is sufficient therefor;

(c) Notwithstanding the foregoing provisions of this paragraph (1), not more than 3 percent of the county allotment remaining after making the allotments under clauses (a) and (b) above may be apportioned among farms in the county on which cotton was planted in any one of the years 1936, 1937, or 1938, and for which the allotment otherwise provided is between 5 and 15 acres and less than the highest cotton acreage.

In making allotments under clause (c) consideration shall be given to the land, labor, crop rotation practices, soil, and other facilities

^{2/} This percentage shall be the same for all farms in the county or administrative area.

affecting the production of cotton. In no event shall the apportionment under clause (c) result in an allotment in excess of 15 acres. In no event shall any allotment under this paragraph (1) exceed the highest cotton acreage.

(2) If the county allotment is insufficient to provide allotments to farms which are adequate and representative in view of their past production of cotton and their cropland, there shall be apportioned to such farms in accordance with instructions contained in Southern Region Bulletin 302 (hereinafter referred to as SRB-302) that part or all of a State reserve equal to 4 percent of the State allotment which is necessary to give such farms allotments in conformity with paragraph (1) which are as nearly adequate and representative as such 4 percent reserve will permit.

(3) If the allotments for any farms are substantially smaller than the allotments which would have been made without regard to the provisions of paragraphs (1)(a) and (1)(b) above, the allotments for such farms shall be increased to the acreage which would have resulted in the absence of such provisions insofar as the remaining part, if any, of the 4 percent State reserve will permit, after making allotments under paragraph (2) above.

(4) After allotments have been made from the 4 percent reserve, as provided in paragraphs (2) and (3) above, one-half of the remainder, if any, of the 4 percent reserve shall be apportioned to farms for which the allotment otherwise determined is less than 50 percent of the acreage planted to cotton plus the acreage diverted from cotton in 1937. The other half of the remainder, if any, of the 4 percent reserve shall be available for increasing the allotments for any farms which are determined in accordance with the provisions of SRB-302 to be inadequate and not representative in view of past production on the farm, except that the allotment for any farm shall not be increased under this paragraph above the highest cotton acreage nor above 40 percent of the cropland.

(5) Notwithstanding the provisions of paragraph (1) above, the allotment for any farm shall be increased by the amount necessary to provide an allotment of not less than 50 percent of the acreage planted to cotton and diverted from cotton in 1937, except that the allotment for any farm shall not be increased under this paragraph to more than 40 percent of the cropland.

(6) The 2 percent reserve provided under subsection C(1) of this section shall be available for apportionment to farms on which cotton will be planted in 1939 for the first time since January 1, 1936. This apportionment shall be made in accordance with the provisions of SRB-302 and shall result, insofar as such reserve will permit, in comparable allotments to farms which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical facilities affecting the production of cotton.

E. Farm Normal Yields. The county committee with the assistance of other local committees shall determine a normal yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1934 to 1938, inclusive, adjusted for abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the allotments established for such farms) shall not exceed the average yield established for the county or administrative area.

F. Payments. The payment is 2 cents for each pound of the normal yield for each acre in the cotton allotment if the acreage planted is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to cotton is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to cotton. If the acreage planted to cotton is in excess of the allotment, there shall be a deduction at the rate of 4 cents for each pound of the normal yield of the excess acres.

G. Acreage Planted to Cotton means the acreage seeded to cotton, the staple of which is normally less than $1\frac{1}{2}$ inches in length, which reaches a stage of growth at which bolls are first formed, and means also for purpose of the 80 percent provision of subsection F any acreage seeded to cotton, the staple of which is normally less than $1\frac{1}{2}$ inches in length, which fails to reach the stage of growth at which bolls are first formed because of flood, hail, drought, or insects.

Section II. WHEAT.

A. National Goal. The 1939 national goal for wheat is 55,000,000 to 60,000,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. County allotments shall be established by distributing the State allotment among the counties pro rata on the basis of the acreage planted to wheat plus the acreage diverted from wheat during the 10 years 1928 to 1937, inclusive, with adjustments for trends in acreage and abnormal weather conditions.

D. Farm Allotments. (1) Wheat allotments shall be determined by the county committee with the assistance of other local committees for farms on which wheat was planted for harvest in one or more of the 3 years 1936, 1937, or 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Allotments for 1939 will be established for all farms on which 100 bushels or more of wheat are normally produced for market.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any one of the 3 years 1936, 1937, or 1938, but on which wheat is planted for harvest in 1939. This apportionment to farms shall be made on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

E. Usual Acreages. Usual acreages of wheat shall be established for all farms for which a wheat allotment is not established and on which the normal acreage of wheat harvested for grain or hay is more than 8 acres. In accordance with the provisions of SRB-302, the usual acreage shall be determined on the basis of the past acreage with due allowance for abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography.

F. Normal Yields. The county committee with the assistance of other local committees shall determine a normal yield for each farm having a wheat allotment.

(1) The normal yield shall be the actual average yield per acre of wheat for the 10 years 1928 to 1937, inclusive, adjusted for trends and abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, the county committee determines, was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat allotments established for such farms) shall not exceed the average yield established for the county.

G. Payments. The payment is 17 cents for each bushel of the normal yield for each acre in the wheat allotment if the acreage planted to wheat is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to wheat is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on 1-1/4 times the acreage planted to wheat. For a farm for which a wheat allotment is established there shall be a deduction at the rate of 50 cents for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment. For a farm on which no wheat allotment is established there shall be a deduction computed on the basis of the acreage of wheat classified as soil-depleting under section XV in excess of the larger of (1) the usual acreage or (2) 8 acres.

H. Acreage Planted to Wheat means (1) any acreage seeded to wheat which is on the farm on or after December 15, 1938 (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1939; and (3) any acreage which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay.

Section III. PEANUTS FOR MARKET.

A. National Goal. The 1939 national goal for peanuts is 1,550,000 to 1,650,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. County allotments in the commercial peanut-producing areas shall be established by distributing the State allotment among such counties, on the basis of the peanut base acreages established under the 1937 program and the 1937 acreage of peanuts for market, taking into consideration trends in acreage on commercial peanut-producing farms.

D. Farm Allotments. In commercial peanut-producing areas the county committee with the assistance of other local committees shall determine peanut allotments on the basis of the acreage of peanuts customarily grown for market and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

E. Farm Normal Yields. The county committee with the assistance of other local committees shall establish a normal yield of peanuts for market for each farm for which a peanut allotment is established. The normal yield shall be the yield which may reasonably be expected from the land devoted to peanuts for market in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of peanuts customarily made on the farm. The average yield for all farms in any county shall not exceed the average yield of peanuts established for the county.

F. Payments. The payment is 15 cents for each hundred pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of \$1.25 for each hundred pounds of the normal yield of the excess acreage.

G. Peanuts for Market means all peanuts harvested for nuts on a farm where peanuts are separated from the vines by mechanical means and from which the principal part of the production is sold to persons off the farm.

Section IV. RICE.

A. National Goal. The 1939 national goal for rice is 850,000 to 880,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. Allotments. (1) A rice allotment shall be determined by the county committee with the assistance of other local committees for each producer who is participating in the production of rice in 1939 and who participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive, on the basis of the past production of rice adjusted to the acreage adapted to the production of rice in 1939, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned among producers who are participating in the production of rice in 1939 for the first time since January 1, 1934, on the basis of the applicable standards of apportionment set forth in this subsection, except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1939 for the first time since January 1, 1934, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive.

D Farm Normal Yields. The county committee with the assistance of other local committees shall establish a normal yield for each farm for which a rice allotment is established.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1934 to 1938, inclusive, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1939 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1934 to 1938, inclusive, established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields shall not exceed the State average yield.

E Payments. The payment is 10 cents for each 100 pounds of the normal yield for each acre in the rice allotment if the acreage planted to rice is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to rice is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on 1-1/4 times the acreage planted to rice. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of 80 cents for each 100 pounds of the normal yield for the excess acres.

Section V. COMMERCIAL VEGETABLES.

A. Farm Allotments. In the commercial vegetable-producing areas vegetable allotments shall be established by the county committee with the assistance of other local committees for each farm on which the average acreage of land planted to commercial vegetables in 1936 and 1937 was 3 acres or more. Subject to adjustments in accordance with the provisions of SRB-302, the allotment shall be the average acreage of land planted to commercial vegetables in 1936 and 1937.

B. Payments. (For farms in the commercial vegetable-producing area.) The payment is \$1.50 for each acre in the vegetable allotment if the acreage of land planted to commercial vegetables is as much as

80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage of land planted to commercial vegetables is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on 1-1/4 times the acreage of land planted to commercial vegetables. There shall be a deduction at the rate of \$20.00 for each acre of land planted to commercial vegetables in excess of the larger of (1) the allotment or (2) 3 acres.

C. Commercial Vegetables means the acreage of vegetables or truck crops (including potatoes on farms where no potato allotment is established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, commercial bulbs and flowers, and strawberries, but excluding peas and sweet corn for canning, and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons off the farm.

Section VI. POTATOES.

A. National Goal. The 1939 national goal for potatoes is 3,100,000 to 3,300,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. County allotments in the commercial potato-producing areas shall be established by distributing the State allotment among such counties pro rata on the basis of the average acreage planted to potatoes in such counties during the years 1933 to 1937, inclusive, taking into consideration trends in acreage on commercial potato-producing farms and also taking into consideration the acreage of potatoes on non-commercial potato-producing farms.

D. Farm Allotments. In commercial potato-producing areas the county committee with the assistance of other local committees shall establish an allotment for each farm on which the acreage of potatoes normally produced for market is 3 acres or more. Allotments shall be established on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors.

E. Farm Normal Yields. The county committee with the assistance of other local committees shall establish a normal yield of potatoes for each farm for which a potato allotment is established. The normal yield shall be the yield which may reasonably be expected from the land planted to potatoes in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of potatoes customarily made on the farm. The average yield for all farms in any county shall not exceed the average yield established for the county.

F. Payments. The payment is 3 cents for each bushel of the normal yield for each acre in the potato allotment if the acreage planted to potatoes is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to potatoes is less than 80 percent of the allotment, but the failure to plant this amount was not due to flood or drought, payment will be based on 1-1/4 times the acreage planted to potatoes. There shall be a deduction at the rate of 30 cents for each bushel of the normal yield for each acre planted to potatoes in excess of the allotment. On a non-allotment potato farm in a commercial potato-producing area which is in a non-commercial vegetable area the deduction shall be made at the rate of 30 cents for each bushel of the normal yield for each acre planted to potatoes for market in excess of 3 acres. On farms for which potato acreage allotments are not established in commercial vegetable-producing areas potatoes planted for market will be considered as commercial vegetables and the deduction for excess acreage of commercial vegetables will be applicable on such farms.

Section VII. TOBACCO.

A. National Goals. The 1939 national goal for -

- (1) Flue-cured tobacco is 860,000 to 900,000 acres.
- (2) Burley tobacco is 375,000 to 400,000 acres.
- (3) Georgia-Florida Type 62 tobacco is 2,800 to 3,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. County allotments for each kind of tobacco shall be established by distributing the State allotment among the counties on the basis of the allotments of each such kind of tobacco established under the 1938 program, taking into consideration allotments for small farms, trends in acreage, plant bed and other diseases.

D. Farm Allotments. Acreage allotments for each kind of tobacco shall be determined by the county committee with the assistance of other local committees on the basis of past acreage and production of each kind of tobacco with due allowance for the effects of abnormal weather

conditions and plant bed and other diseases; land, labor, equipment, crop rotation practices, soil, and other physical factors affecting the production of tobacco. The allotment for any farm on which tobacco was grown in one or more of the years 1935 to 1938, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors, except that in the case of flue-cured and Burley tobacco, special consideration shall be given to farms for which allotments are small. The allotment for any farm on which tobacco is to be produced in 1939 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since January 1, 1935, which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical factors affecting the production of tobacco.

E. Farm Normal Yields. The county committee with the assistance of other local committees shall establish a normal yield for each farm for which a tobacco allotment is established. The normal yield shall be the yield which may reasonably be expected from the land devoted to tobacco in 1939 with due consideration for type of soil, drainage, production practices, general fertility of the land, and the yield of tobacco customarily made on the farm. The average yield of each kind of tobacco for all farms in any county shall not exceed the average yield established for the county.

F. Payments. The payment is 0.8 cents in case of flue-cured and Burley, and 1.5 cents in case of Georgia-Florida Type 62, for each pound of the normal yield for each acre in the tobacco allotment. If the acreage of tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of 8 cents for each pound of the normal yield of the excess acreage.

Section VIII. ALL SOIL-DEPLETING CROPS.

A. National Goal. The 1939 national goal for all soil-depleting crops is 270,000,000 to 285,000,000 acres.

B. State Allotments. State allotments will be established by the Secretary.

C. County Allotments. County allotments of total soil-depleting crops shall be established by distributing the State allotment of total soil-depleting crops among the counties on the basis of the total soil-depleting allotments established under the 1938 program, with due allowance for trends in acreage of soil-depleting crops, changes in area designations, and crop classifications, the acreage of food and feed crops needed for home consumption in the county, and the relationship of the special allotments established for 1938 to the special allotments established for 1939.

D. Farm Allotments. The total soil-depleting allotment for any farm shall be established by the county committee with the assistance of other local committees on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable for all farms in the same community which are similar with respect to the above factors. A total allotment shall be established for each farm for which a special allotment (excluding commercial vegetables) is established and on which general crops or livestock are produced for market.

E. Deductions. If the acreage classified as soil-depleting exceeds the total allotment, there shall be a deduction at the rate of \$5.00 for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreage of special crops for which deductions are computed or (2) the acreage on which cotton is planted and tobacco is harvested plus 20 acres.

Section IX. SOIL BUILDING.

A. National Goal. The 1939 national soil-building goal shall be the conservation of cropland not required in 1939 for the growing of soil-depleting crops and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent water erosion.

B. County Goals. Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent water erosion.

C. Farm Goals. The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The goal shall represent the number of units of applicable practices to be carried out. The county committee shall assist farmers in determining what practices are to be carried out in meeting the goal. These practices should be those most needed to conserve and improve soil fertility and prevent water erosion, and should not be routine farming practices.

D. Payments. The maximum payment which may be earned for carrying out soil-building practices is the sum of the following:

(1) 70 cents per acre of cropland in excess of the sum of (1) the acreages used in computing payments for special crops (excluding commercial vegetables) and (2) the acreage of sugarcane for sugar grown on the farm in 1939.

(2) \$1.50 per acre of commercial orchards on the farm on January 1, 1939.

(3) (a) 2 cents per acre of non-crop open pasture land plus \$1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture on farms in Texas.

(b) 25 cents per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land on farms in Arkansas.

For each unit by which the soil-building goal is not reached there shall be a deduction at the rate of \$1.50 a unit from the maximum payment which may be earned by carrying out soil-building practices.

E. Practices. The soil-building practices listed below shall count toward reaching the soil-building goal to the extent indicated, when they are carried out in 1939 in accordance with specifications issued by the Director of the Southern Division or by the State committee with the approval of the Director of the Southern Division. Each practice must be performed in a workmanlike manner and in accordance with good farming practices for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the AAA shall not be counted toward reaching the goal. If a part of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the AAA and such part represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward reaching the goal; if such part represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward reaching the goal, except that labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

Schedule of Soil-Building Practices

A. Each of the following practices in the amounts specified shall be counted as one unit, except that if the materials specified in items 1, 2, or 3 are applied to biennial or perennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, or Natal grass seeded or grown with a soil-depleting crop, no part of the material applied shall be counted.

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, or permanent pasture.

2. Application of 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, or permanent pasture.

3. Application of 1,500 pounds of ground limestone or its equivalent.

4. Application of not less than 2 tons, air dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land.

5. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

6. Contour ridging of non-crop open pasture land - 750 linear feet of ridge or terrace.

7. Construction of reservoirs and dams - 10 cubic yards of material moved in making the fill or excavation. (Applicable to farms in Texas.)

8. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes - 10 pounds of seed.

B. Each acre of the following shall be counted as one unit:

9. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop) or mixtures (other than a mixture consisting solely of timothy and redtop) containing perennial grasses, perennial legumes, or biennial legumes (except any of these crops qualifying at a higher rate of credit under this section).

10. Seeding winter legumes, annual Lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover.

11. Green manure crops and cover crops (excluding (1) Lespedeza and (2) any crop for which credit is given in 1939 under any other practice of which a good stand and good growth is (a) plowed or disced under on land not subject to erosion, or if subject to erosion, such crop is followed by a winter cover crop or (b) left on land subject to erosion or in orchards or on commercial vegetable or potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

12. Seeding adapted varieties of alfalfa.

13. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, carpet, Bahia, or orchard grass.

14. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between January 1, 1936 and January 1, 1939.

D. Each acre of the following shall be counted as three units:

15. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

E. Each acre of the following shall be counted as four units:

16. Establishment of a permanent vegetative cover by planting crowns of Kudzu.

F. Each acre of the following shall be counted as five units:

17. Planting forest trees, provided such trees are protected and cultivated in accordance with good tree culture practice.

G. Each two acres of the following shall be counted as one unit:

18. Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is obtained and is not harvested.

H. Each four acres of the following shall be counted as one unit:

19. Contour listing or furrowing non-crop pasture land.

20. Stripcropping with alternate strips of close-grown crops and intertilled crops.

Section X. DIVISION OF PAYMENTS AND DEDUCTIONS.

A. Payments and Deductions for Acreage Allotments. (1) The net payment or net deduction computed for any farm for special crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the crops on the farm in 1939: Provided, That if because of crop failure the harvested acreage of any such crop(s) is less than the planted acreage of such crop(s) and the county committee finds, in accordance with instructions issued by the AAA, that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage planted to such crop(s) in 1939 had been harvested;

Provided, Further, That if any such crop(s) is not planted on the farm in 1939, the net payment or net deduction computed for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage in such acreage allotment had been planted and harvested in 1939.

(2) The deduction for exceeding the total soil-depleting allotment shall be regarded as a pro rata deduction with respect to special crops.

B. Soil-Building Practice Payments. The payment for carrying out soil-building practices on the farm shall be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one person contributed to the carrying out of soil-building practices in 1939, the payment shall be divided in the proportion that the units contributed by each person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each person contributed thereto.

C. Proration of Net Deductions. If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons with respect to such farm, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments.

If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deductions shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section XI. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS.

A. Increase in Small Payments. The total payment computed under sections I to X, inclusive, for any person on any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents, but less than \$1.00, shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of pay- ment computed	Increase in payment	Amount of pay- ment computed	Increase in payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	$\frac{1}{2}$
31.00 to 31.99	10.20	200.00 and over	$\frac{2}{2}$

$\frac{1}{2}$ Increase to \$200.00.

$\frac{2}{2}$ No increase.

B. Payments Limited to \$10,000. The total of all payments made under the 1939 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made under the 1939 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including any payment received in Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms. (1) If the deductions computed for any farm in a county exceed the payment computed for such farm, a landlord's or tenant's share of the amount by which the deduction exceeds the payments shall be deducted from the landlord's or tenant's share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) If the deductions computed for a landlord or tenant for one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for the landlord or tenant for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which such net deductions are computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses. There shall be deducted pro rata from the payments for any farm all or any part that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of Purposes of the Program. (1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (a) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is otherwise idle in 1939.

F. Payment Computed and Made Without Regard to Claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices. If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to him under the 1938 program, payments to the landlord under the 1939 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person under the 1939 program.

H. Assignments. Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the AAA.

Nothing contained in this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage. Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1939 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1939 on land in any farm in which he has an interest in excess of the cotton allotment established for the farm for 1939, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1939 on acreage in excess of the cotton allotment established for the farm for 1939 shall not be eligible for any payment under the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton allotment shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such allotment if notice of the allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless he establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

J. Use of Soil-Conserving Crops for Market. For counties designated by the Administrator as counties not in substantial compliance with the provisions of section 701.16(f) of the 1939 program bulletin (ACP-39), payment shall not be made with respect to any farm unless (1) the number of dairy cows on the farm does not exceed the normal number by more than 2, (2) there is an acreage of cropland not devoted to soil-depleting crops or to the commercial production of soil-conserving crops in 1939 equal to the amount by which the usual or normal acreage of soil-depleting crops exceeds the larger of (a) the total soil-depleting allotment for the farm or (b) the acreage on the farm classified as soil depleting in 1939, or (3) none of the soil-conserving crops to which these provisions apply are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than 10 percent of the milk or milk products produced on the farm.

Section XII. MATERIALS FURNISHED TO CARRY OUT SOIL-BUILDING PRACTICES.

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. This deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm the amount of such difference shall be repaid by him to the Secretary.

Section XIII. APPLICATION FOR PAYMENT.

A. Persons Eligible to File Applications. An application for payment for a farm may be made by any person who, under the provisions of

section X shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participated thereon in 1939 in carrying out approved soil-building practices.

B. Time and Manner of Filing Application and Information Required.

Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Application for Other Farms. If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must make application for payment on all such farms which he operates or rents to other persons. Upon request of the State committee any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof.

Section XIV. APPEALS.

Any person who considers himself aggrieved by any recommendation or determination of the county committee regarding any farm in which he has an interest may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Section XV. DEFINITIONS.

For the purposes of the 1939 program -

SOUTHERN REGION means the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

AREA B means Alabama, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and designated counties or administrative areas in Arkansas and Texas.

PERSON means an individual, partnership, association, corporation, estate, or trust, and if applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD OR OWNER means a person who owns land and rents such land to another person or operates such land.

SHARECROPPER means a person who works on a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the AAA, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops;

Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that:

- (a) There is one crop rotation system on the entire area of land;

(b) The yields and productivity of the different ownerships do not vary substantially;

(c) The combination is not being made for the purpose of increasing allotments or primarily for the purpose of effecting compliance; and

(d) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

CROPLAND means farm land which in 1938 was tilled or was in a regular rotation.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1939 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

SOIL-DEPLETING ACREAGE means the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(1) Corn planted for any purpose except sweet corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.

(3) Grain sorghums planted for any purpose (except when a good stand and a good growth is plowed or disced under as a green manure crop before heading, in the following counties in Texas and in all counties in Texas lying east of these counties: Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Hays, Comal, Bexar, Wilson, Karnes, Bex, San Patricio, Neches, and Kleberg).

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugarcane grown for any purpose.

(6) Rice planted for any purpose.

(7) Peanuts harvested for nuts or dug for hay.

(8) Broomcorn harvested for any purpose.

(9) Annual truck and vegetable crops (including strawberries, melons, and sweetpotatoes) planted for any purpose except when grown in home gardens for use on the farm.

(10) Perennial truck and vegetable crops (including strawberries, melons, and sweetpotatoes) harvested for any purpose except when grown in home gardens for use on the farm.

(11) Potatoes planted for any purpose except when grown in home gardens for use on the farm.

(12) Canning peas and freezing peas harvested for any purpose except when grown in home gardens for use on the farm.

(13) Wheat planted (or regarded as planted) for any purpose on an allotment farm.

(14) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for grain.

(15) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for hay except (1) when such crops are used as nurse crops for legumes or perennial grasses of which a good stand is established in 1939 and the nurse crop is cut green for hay, or (2) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes.

(16) Sudan grass or millet harvested for grain or seed.

(17) Sweet sorghums harvested for any purpose.

(18) Soybeans harvested for seed for crushing.

NON-CROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of soil-depleting acreage except sugarcane for sugar and the crops for which special allotments are established on the farm.

SPECIAL CROPS OR SPECIAL ALLOTMENTS means cotton, wheat, tobacco, rice, peanut, vegetable, or potato allotments.

ANIMAL UNIT means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

UNITED STATES DEPARTMENT OF AGRICULTURE
+ AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

1939 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION

SOUTHERN REGION BULLETIN 301 FOR THE B AREA

(Applicable to farms in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and all counties in Arkansas except Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Prairie (except Area II), Randolph (except Area I), Sharp, Stone, Van Buren, and Washington)

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Pursuant to the provisions of the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program) Bulletin (ACP-1939), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration (hereinafter referred to as the A. A. A.), payments and grants of aid will be made for participation in the B area of the Southern Region in the 1939 program in accordance with the provisions of this Southern Region Bulletin 301 for the B Area (SRB-301B) and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1939 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made from appropriations made by Congress for this purpose only, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program.

As an adjustment for the extent of participation in the program, the rates of payment and deductions may be increased or decreased by as much as 10 percent.

The provisions of the 1939 program contained in this bulletin (except section 11 B) are not applicable to counties in the B area of the Southern Region for which special agricultural conservation programs are approved for 1939 by the Secretary or to land in which the beneficial ownership is in the United States.

Section 1. COTTON

A. National Goal.—The 1939 national goal for cotton is 27,000,000 to 29,000,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—(1) County allotments shall be determined by prorating the State allotment less a reserve for new cotton farms¹ among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under A. A. A. programs during the 5 years 1933 to 1937, inclusive, except that the county allotments so determined shall be not less than 60 percent of the acreage planted to cotton plus 60 percent of the acreage diverted from cotton in 1937.

(2) If the A. A. A. finds that there is more than one administrative area in any county which, because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton plus the acreage diverted from cotton in 1937; or, if the A. A. A. determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, the allotment shall be distributed on the basis of the cotton base acreages that were determined under the 1937 Cotton Price Adjustment Payment Plan.

D. Farm Allotments.—(1) The county committee with the assistance of the other local committees shall apportion the county allotment² among the farms on which cotton was planted in any one of the years 1936, 1937, or 1938. The allotment for each such farm shall be a percentage³ of the cropland in the farm, excluding the acreage normally devoted to the commercial production of sugarcane for sugar, tobacco, rice, or wheat, for market in any form, except that:

(a) If the highest acreage planted to cotton and diverted from cotton in any one of the 3 years 1936, 1937, or 1938 (hereinafter referred to as the highest cotton acreage) was 5 acres or less, the allotment shall be the highest cotton acreage.

¹ This reserve shall be 2 percent of the State allotment and is to be used in the State in making allotments to farms on which cotton will be planted in 1939, but on which cotton was not planted in any of the years 1936, 1937, or 1938.

² In counties in which the county allotment is not sufficient to make the allotments provided under (a) and (b) of this paragraph (1) or if such allotments result in a substantially smaller allotment for any farm in the county than would have resulted in the absence of the provisions of (a) and (b), a part of a 4 percent State reserve shall be available for apportionment in the county, in accordance with instructions contained in Southern Region Bulletin 302 (hereinafter referred to as SRB-302).

³ This percentage shall be the same for all farms in the county or administrative area.

(b) If the highest cotton acreage was more than 5 acres, the allotment shall not be less than 5 acres.

(c) Notwithstanding the foregoing provisions of this paragraph (1), not more than 3 percent of the county allotment remaining after making the allotments under clauses (a) and (b) above may be apportioned among farms in the county on which cotton was planted in any one of the years 1936, 1937, or 1938, and for which the allotment otherwise provided is less than 15 acres.

In making allotments under clause (c) consideration shall be given to the land, labor, crop rotation practices, soil, and other facilities affecting the production of cotton. In no event shall the apportionment under this clause (c) result in an allotment in excess of 15 acres nor shall any allotment under this paragraph (1) exceed the highest cotton acreage.

(2) After allotments have been made from the 4 percent reserve, as provided in footnote 2, paragraph (1) above, one-half of the remainder, if any, of the 4 percent reserve shall be apportioned to farms for which the allotment otherwise determined is less than 50 percent of the acreage planted to, plus the acreage diverted from, cotton in 1937. The other half of the remainder, if any, of the 4 percent reserve shall be available for increasing the farm allotments which are determined in accordance with the provisions of SRB-302 to be inadequate and not representative in view of past production of cotton on the farm, except that the allotment for any farm shall not be increased under this paragraph above the highest cotton acreage nor above 40 percent of the cropland.

(3) Notwithstanding the provisions of paragraphs (1) and (2) above, the allotment for any farm shall be increased by the amount necessary to provide an allotment of not less than 50 percent of the acreage planted to cotton and diverted from cotton in 1937, except that the allotment for any farm shall not be increased under this paragraph to more than 40 percent of the cropland.

(4) The 2 percent reserve provided under subsection C (1) of this section shall be available for apportionment to farms on which cotton will be planted in 1939 for the first time since January 1, 1936. This apportionment shall be made in accordance with the provisions of SRB-302 and shall result, insofar as such reserve will permit, in comparable allotments to farms which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical facilities affecting the production of cotton.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1934 to 1938, inclusive, adjusted for abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because

cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area (weighted by the allotments established for such farms) shall not exceed the average yield established for the county or administrative area.

F. Payments.—The payment is **2 cents** for each pound of the normal yield for each acre in the cotton allotment if the acreage planted is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to cotton is less than 80 percent of the allotment, and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to cotton. If the acreage planted to cotton is in excess of the allotment, there shall be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres, except that no payment whatsoever will be made under the program to any farm on which the cotton acreage allotment is knowingly exceeded.

G. Acreage Planted to Cotton means the acreage seeded to cotton, the staple of which is normally less than $1\frac{1}{2}$ inches in length, which reaches the stage of growth at which bolls are first formed, and means also for the purpose of the 80 percent provision of subsection F any acreage seeded to cotton the staple of which is normally less than $1\frac{1}{2}$ inches in length, which fails to reach the stage of growth at which bolls are first formed because of flood, hail, drought, or insects.

Section 2. WHEAT

A. National Goal.—The 1939 national goal for wheat is 55,000,000 to 60,000,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments shall be established by distributing the State allotment among the counties pro rata on the basis of the acreage planted to wheat plus the acreage diverted from wheat during the 10 years 1928 to 1937, inclusive, with adjustments for trends in acreage and abnormal weather conditions.

D. Farm Allotments.—(1) The county committee, with the assistance of other local committees, shall apportion the county allotment among the farms on which wheat was planted for harvest in one or more of the 3 years 1936, 1937, or 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography.

Allotments for 1939 will be established for all farms on which 100 bushels or more of wheat are normally produced for market.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any one of the 3 years 1936, 1937, or 1938, but on which wheat is planted for harvest in 1939. This apportionment shall be made on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

E. Usual Acreages.—Usual acreages of wheat shall be established for all farms for which a wheat allotment is not established and on which the normal acreage of wheat harvested for grain or hay is more than 8 acres. In accordance with the provisions of SRB-302, the usual acreage shall be determined on the basis of the past acreage with due allowance for abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography.

F. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a wheat allotment.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1928 to 1937, inclusive, adjusted for trends in yields and abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, the county committee determines, was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the allotments established for such farms) shall not exceed the average yield established for the county.

G. Payments.—The payment is **17 cents** for each bushel of the normal yield for each acre in the wheat allotment if the acreage planted to wheat is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to wheat is less than 80 percent of the allotment, and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to wheat. For a farm for which a wheat allotment is established there shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment. For a farm on which no wheat allotment is established there shall be a deduction computed on the above basis for the acreage of wheat classified as soil-depleting under section 15 in excess of the larger of (1) the usual acreage or (2) 8 acres.

H. Acreage Planted to Wheat (for a farm on which a wheat allotment is established) means (1) any acreage seeded to wheat which is on the farm on or after December 15, 1938 (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1939; and (3) any acreage which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay.

Section 3. PEANUTS

A. National Goal.—The 1939 national goal for peanuts is 1,550,000 to 1,650,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments in the commercial peanut-producing areas shall be established by distributing the State allotment among such counties on the basis of the peanut base acreage established under the 1937 program and the 1937 acreage of peanuts for market, taking into consideration trends in acreage on commercial peanut-producing farms.

D. Farm Allotments.—In commercial peanut-producing areas the county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts customarily grown for market and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for market for each farm having a peanut allotment. The normal yield shall be the yield which may reasonably be expected from the land devoted to peanuts for market in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of peanuts customarily made on the farm. The average yield for all farms in any county shall not exceed the average yield of peanuts established for the county.

F. Payments.—The payment is **15 cents** for each hundred pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.25** for each hundred pounds of the normal yield of the excess acreage.

G. Peanuts for Market means all peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons not living on the farm.

Section 4. RICE

A. National Goal.—The 1939 national goal for rice is 850,000 to 880,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. Allotments.—(1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each producer who is participating in the production of rice in 1939 and who participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive, on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1939, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned among producers who are participating in the production of rice in 1939 for the first time since January 1, 1934, on the basis of the applicable standards of apportionment set forth in this subsection, except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1939 for the first time since January 1, 1934, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive.

D. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1934 to 1938, inclusive, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1939 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1934 to 1938, inclusive, established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields shall not exceed the State average yield.

E. Payments.—The payment is **10 cents** for each 100 pounds of the normal yield for each acre in the rice allotment if the acreage planted to rice is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to rice is less than 80 percent of the allotment and the failure to plant

as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to rice. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of **80 cents** for each 100 pounds of the normal yield of the excess acres.

Section 5. COMMERCIAL VEGETABLES

A. Farm Allotments.—In commercial vegetable-producing areas the county committee, with the assistance of other local committees, shall establish a vegetable allotment for each farm on which the average acreage of land planted to commercial vegetables in 1936 and 1937 was 3 acres or more. In accordance with the provisions of SRB-302, the allotment shall be the average acreage of land planted to commercial vegetables in 1936 and 1937.

B. Payments.—The payment is **\$1.50** for each acre in the vegetable allotment if the acreage of land planted to commercial vegetables is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage of land planted to commercial vegetables is less than 80 percent of the allotment and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage of land planted to commercial vegetables. There shall be a deduction at the rate of **\$20.00** for each acre of land planted to commercial vegetables in excess of the larger of (1) the allotment or (2) 3 acres.

C. Commercial Vegetables means the acreage of vegetables or truck crops (including potatoes on farms where no potato allotment is established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, commercial bulbs and flowers, and strawberries, but excluding peas and sweet corn for canning, and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

Section 6. IRISH POTATOES

A. National Goal.—The 1939 national goal for potatoes is 3,100,000 to 3,300,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments in the commercial potato-producing areas shall be established by distributing the State allotment among the counties in such areas in the State on the basis of the average acreage planted to potatoes in such counties during the 5 years 1933 to 1937, inclusive, taking into consideration the acreage on non-commercial potato-producing farms and trends in the acreage of potatoes on non-commercial potato-producing farms.

D. Farm Allotments.—In commercial potato-producing areas the county committee, with the assistance of other local committees, shall establish a potato allotment for each farm on which the acreage of potatoes normally produced for market is 3 acres or more. Allotments shall be established on the basis of good soil management, till-

able acreage, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal potato yield for each farm having a potato allotment. The normal yield shall be the yield which may reasonably be expected from the land planted to potatoes in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of potatoes customarily made on the farm. The average yield for all farms in the county shall not exceed the average yield established for the county.

F. Payments.—The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment if the acreage planted to potatoes is as much as 80 percent of the allotment, or if the county committee finds that the failure to plant 80 percent of the allotment was due to flood or drought. If the acreage planted to potatoes is less than 80 percent of the allotment, and the failure to plant as much as 80 percent of the allotment was not due to flood or drought, payment will be based on $1\frac{1}{4}$ times the acreage planted to potatoes. For a farm for which an allotment is established there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the allotment. For a farm for which no allotment is established in a commercial potato-producing area, which is not in a commercial vegetable area, the deduction shall be made at the rate of **30 cents** for each bushel of the normal yield of each acre planted to potatoes for market in excess of 3 acres. In commercial vegetable-producing areas potatoes planted for market will be considered as commercial vegetables on farms for which potato allotments are not established and the deduction for excess acreage of commercial vegetables will be applicable on such farms.

Section 7. TOBACCO

A. National Goals.—The 1939 national goal for—

- (1) Flue-cured tobacco is 860,000 to 900,000 acres.
- (2) Burley tobacco is 375,000 to 400,000 acres.
- (3) Georgia-Florida Type 62 tobacco is 2,800 to 3,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments for each kind of tobacco shall be established by distributing the State allotment among the counties on the basis of the allotments of each such kind of tobacco established under the 1938 program, taking into consideration allotments for small farms, trends in acreage, plant bed and other diseases.

D. Farm Allotments.—The county committee, with the assistance of other local committees, shall determine an acreage allotment for each kind of tobacco on the basis of past acreage and production of each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant bed and other diseases; land, labor,

equipment, crop rotation practices, soil, and other physical factors affecting the production of tobacco. The allotment for any farm on which tobacco was grown in one or more of the years 1935 to 1938, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors, except that, in the case of flue-cured and Burley tobacco, special consideration shall be given to farms for which allotments are small. The allotment for any farm on which tobacco is to be produced in 1939 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since January 1, 1935, which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical factors affecting the production of tobacco.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm having a tobacco allotment. The normal yield shall be the yield which may reasonably be expected from the land devoted to tobacco in 1939 with due consideration for type of soil, drainage, production practices, general fertility of the land, and the yield of tobacco customarily made on the farm. The average yield of each kind of tobacco for all farms in the county shall not exceed the average yield established for the county.

F. Payments.—The payment is **0.8 cent** in case of flue-cured and Burley, and **1.5 cents** in case of Georgia-Florida Type 62, for each pound of the normal yield for each acre in the tobacco allotment. If the acreage of tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of 8 cents for each pound of the normal yield of the excess acreage.

Section 8. TOTAL SOIL-DEPLETING CROPS

A. National Goal.—The 1939 national goal for total soil-depleting crops is 270,000,000 to 285,000,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments of total soil-depleting crops shall be established by distributing the State allotment of total soil-depleting crops among the counties on the basis of the total soil-depleting allotments established under the 1938 program, with due allowance for trends in acreage of soil-depleting crops, changes in area designations, and crop classifications, the acreage of food and feed crops needed for home consumption in the county, and the relationship of the special allotments established for 1938 to the special allotments established for 1939.

D. Farm Allotments.—The county committee with the assistance of other local committees shall establish a total soil-depleting allotment for each farm for which a special allotment (excluding a vegetable allotment) is established and on which general crops or livestock are produced for market. The total allotment for any farm shall be established on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of total soil-depleting crops customarily grown on the farm, taking into con-

sideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

E. Deductions.—There shall be a deduction at the rate of \$5.00 for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreage of special crops for which deductions are computed, or (2) the acreage on which cotton is planted and tobacco is harvested plus 20 acres.

Section 9. SOIL BUILDING

A. National Goal.—The 1939 national soil-building goal shall be the conservation of cropland not required in 1939 for the growing of soil-depleting crops and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent water erosion.

B. County Goals.—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent water erosion.

C. Farm Goals.—The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The goal shall represent the number of units of applicable practices to be carried out. The county committee shall assist farmers in determining what practices are to be carried out in meeting the goal. These practices should be those most needed to conserve and improve soil-fertility and prevent water erosion, and should not be routine farming practices.

D. Payments.—The maximum payment which may be earned for carrying out soil-building practices is the sum of the following:

(1) **70 cents** per acre of cropland in excess of the sum of (a) the acreages used in computing payments for special crops (excluding commercial vegetables) and (b) the acreage of sugarcane for sugar grown on the farm in 1939.

(2) **\$1.50** per acre of commercial orchards on the farm on January 1, 1939.

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

For each unit by which the soil-building goal is not reached there shall be a deduction at the rate of \$1.50 a unit from the maximum payment which may be earned by carrying out soil-building practices.

E. Practices.—The soil-building practices listed below shall count toward reaching the soil-building goal to the extent indicated, when they are carried out in 1939 in accordance with specifications issued by the Director of the Southern Division or by the State committee with the approval of the Director of the Southern Division. Each

practice must be performed in a workmanlike manner and in accordance with good farming practices for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the A.A.A. shall not be counted toward reaching the goal. If a part of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the A.A.A. and such part represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward reaching the goal; if such part represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward reaching the goal, except that labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any * * * State agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit:

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, or permanent pasture which are not seeded or grown with a soil-depleting crop.

2. Application of 500 pounds of basic slag or rock phosphate to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, or permanent pasture, which are not seeded or grown with a soil-depleting crop.

3. Application of 1,000 pounds of ground limestone or its equivalent.

4. Application of not less than 2 tons, air dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land.

5. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

6. Contour ridging of non-crop open pasture land—750 linear feet of ridge or terrace.

7. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

B. Each acre of the following shall be counted as one unit:

8. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop) or mixtures (other than a mixture consisting solely of timothy and redtop) containing perennial grasses,

perennial legumes, or biennial legumes (except any of those crops qualifying at a higher rate of credit under this section).

9. Seeding winter legumes, annual Lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover.

10. Green manure crops and cover crops (excluding (1) Lespedeza and (2) any crop for which credit is given in 1939 under any other practice) of which a good stand and good growth is (a) plowed or disced under on land not subject to erosion, or if subject to erosion, such crop is followed by a winter cover crop or (b) left on land subject to erosion or in orchards or on commercial vegetable or potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

11. Seeding adapted varieties of alfalfa.

12. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, carpet, or Bahia grass.

13. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between January 1, 1936, and January 1, 1939.

D. Each acre of the following shall be counted as three units:

14. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

E. Each acre of the following shall be counted as four units:

15. Establishment of a permanent vegetative cover by planting crowns of Kudzu.

F. Each acre of the following shall be counted as five units:

16. Planting forest trees, provided a good stand is obtained and such trees are protected and cultivated in accordance with approved tree culture.

G. Each two acres of the following shall be counted as one unit:

17. Summer legumes (interplanted or grown in combination with soil-depleting crops) not classified as soil-depleting, of which a good stand and a good growth is obtained and is not harvested, excluding peanuts hogged off.

H. Each four acres of the following shall be counted as one unit:

18. Contour listing or furrowing non-crop pasture land.

19. Stripcropping with alternate strips of close-grown crops and intertilled crops.

Section 10. DIVISION OF PAYMENTS AND DEDUCTIONS

A. Payments and Deductions for Acreage Allotments.—(1)

The net payment or net deduction computed for any farm for special crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) on the farm in 1939; *Provided*, That if because of crop failure the harvested acreage of any such crop(s) is less than the planted acreage of such crop(s) and the county committee finds, in accordance with instructions issued by the A. A. A., that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers

in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage planted to such crop(s) in 1939 had been harvested; *Provided further*, That if any such crop(s) is not grown on the farm in 1939, the net payment or net deduction computed for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage in such acreage allotment had been planted and harvested in 1939.

(2) The deduction for exceeding the total soil-depleting allotment shall be regarded as a pro rata deduction with respect to special crops.

B. Soil-Building Practice Payments.—The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practice. If the county committee determines that more than one person contributed to the carrying out of soil-building practices in 1939, the payment shall be divided in the proportion that the units contributed by each eligible person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion in which the county committee determines each person contributed thereto.

C. Proration of Net Deductions.—If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section 11. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

A. Increase in Small Payments.—The total payment computed under sections 1 to 10, inclusive, for any person on any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents, but less than \$1.00, shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99 -----	\$0. 40	\$32.00 to \$32.99 -----	\$10. 40
\$2.00 to \$2.99 -----	. 80	\$33.00 to \$33.99 -----	10. 60
\$3.00 to \$3.99 -----	1. 20	\$34.00 to \$34.99 -----	10. 80
\$4.00 to \$4.99 -----	1. 60	\$35.00 to \$35.99 -----	11. 00
\$5.00 to \$5.99 -----	2. 00	\$36.00 to \$36.99 -----	11. 20
\$6.00 to \$6.99 -----	2. 40	\$37.00 to \$37.99 -----	11. 40
\$7.00 to \$7.99 -----	2. 80	\$38.00 to \$38.99 -----	11. 60
\$8.00 to \$8.99 -----	3. 20	\$39.00 to \$39.99 -----	11. 80
\$9.00 to \$9.99 -----	3. 60	\$40.00 to \$40.99 -----	12. 00
\$10.00 to \$10.99 -----	4. 00	\$41.00 to \$41.99 -----	12. 10
\$11.00 to \$11.99 -----	4. 40	\$42.00 to \$42.99 -----	12. 20
\$12.00 to \$12.99 -----	4. 80	\$43.00 to \$43.99 -----	12. 30
\$13.00 to \$13.99 -----	5. 20	\$44.00 to \$44.99 -----	12. 40
\$14.00 to \$14.99 -----	5. 60	\$45.00 to \$45.99 -----	12. 50
\$15.00 to \$15.99 -----	6. 00	\$46.00 to \$46.99 -----	12. 60
\$16.00 to \$16.99 -----	6. 40	\$47.00 to \$47.99 -----	12. 70
\$17.00 to \$17.99 -----	6. 80	\$48.00 to \$48.99 -----	12. 80
\$18.00 to \$18.99 -----	7. 20	\$49.00 to \$49.99 -----	12. 90
\$19.00 to \$19.99 -----	7. 60	\$50.00 to \$50.99 -----	13. 00
\$20.00 to \$20.99 -----	8. 00	\$51.00 to \$51.99 -----	13. 10
\$21.00 to \$21.99 -----	8. 20	\$52.00 to \$52.99 -----	13. 20
\$22.00 to \$22.99 -----	8. 40	\$53.00 to \$53.99 -----	13. 30
\$23.00 to \$23.99 -----	8. 60	\$54.00 to \$54.99 -----	13. 40
\$24.00 to \$24.99 -----	8. 80	\$55.00 to \$55.99 -----	13. 50
\$25.00 to \$25.99 -----	9. 00	\$56.00 to \$56.99 -----	13. 60
\$26.00 to \$26.99 -----	9. 20	\$57.00 to \$57.99 -----	13. 70
\$27.00 to \$27.99 -----	9. 40	\$58.00 to \$58.99 -----	13. 80
\$28.00 to \$28.99 -----	9. 60	\$59.00 to \$59.99 -----	13. 90
\$29.00 to \$29.99 -----	9. 80	\$60.00 to \$185. 99 -----	14. 00
\$30.00 to \$30.99 -----	10. 00	\$186.00 to \$199.99 -----	(1)
\$31.00 to \$31.99 -----	10. 20	\$200.00 and over -----	(2)

¹ Increase to \$200.00.

² No increase.

B. Payments Limited to \$10,000.—The total of all payments made under the 1939 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made under the 1939 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including any payment received in Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000. All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms.—(1) The net deduction computed for any landlord or tenant under section 10 C shall

be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses.—There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of Purposes of the Program.—(1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld if (a) he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is otherwise idle in 1939.

F. Payment Computed and Made Without Regard to Claims.—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.—If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to him under the 1938 program, payments to the landlord under the 1939 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments shall not be greater than the amount that would otherwise be made to him if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1939 program.

H. Assignments.—Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A.

Nothing contained in this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage.—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1939 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1939 on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1939, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1939 on acreage in excess of the cotton allotment established for the farm for 1939 shall not be eligible for any payment under the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such allotment if notice of the allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless he establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

J. Use of Soil-Conserving Crops for Market.—In counties designated by the Agricultural Adjustment Administration as counties in which performance with respect to the use of soil-conserving crops for market will have to be determined, payment will not be made to any farm unless (1) the increase above normal in the number of dairy cows does not exceed two cows, or (2) there is an acreage of cropland equal to the amount by which the usual or normal acreage of soil-depleting crops on the farm exceeds the larger of the total soil-depleting allotment or the acreage classified as soil-depleting on the

farm in 1939, which is not devoted to soil-conserving crops which are used for market other than through the disposition of dairy live-stock for slaughter or through the disposition of 10 percent or more of the milk, or products thereof, produced on the farm.

Section 12. MATERIALS FURNISHED TO CARRY OUT SOIL-BUILDING PRACTICES

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the A.A.A., to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the A. A. A., in any county, State, or other area. This deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm the amount of such difference shall be repaid by him to the Secretary.

Section 13. APPLICATION FOR PAYMENT

A. Persons Eligible to File Applications.—An application for payment for a farm may be made by any person who, under the provisions of section 10, shares in the payment which may be computed for any farm, and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participated thereon in 1939 in carrying out approved soil-building practices.

B. Time and Manner of Filing Application and Information Required.—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Application for Other Farms.—If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon

request of the State committee any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof.

Section 14. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Section 15. DEFINITIONS

For the purposes of the 1939 program:

SOUTHERN REGION means the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

AREA B means Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and all counties in Arkansas except Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Prairie (except Area II), Randolph (except Area I), Sharp, Stone, Van Buren, and Washington.

PERSON means an individual, partnership, association, corporation, estate, or trust, and if applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD means a person who owns land and rents such land to another person or operates such land.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the A. A. A., by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops;

Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that:

(a) There is one crop rotation system on the entire area of land;

(b) The yields and productivity of the land under different ownerships do not vary substantially;

(c) The combination is not being made for the purpose of increasing allotments or primarily for the purpose of effecting compliance; and

(d) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

CROPLAND means farm land which in 1938 was tilled or was in a regular rotation.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm on January 1, 1939 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

SOIL DEPLETING ACREAGE means the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(1) Corn planted for any purpose except sweet corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.⁴

⁴ Each acre of Georgia-Florida Type 62 tobacco shall be classified as eight-tenths ($\frac{8}{10}$) of an acre soil-depleting if—

(a) An average of at least four top leaves is left on each stalk on all of the acreage of Type 62 tobacco grown on the farm in 1939 and all such stalks are cut within 7 days after harvesting of the other leaves is completed and either left on the land for the remainder of 1939 or plowed under, and

(b) A cover crop of surghum, cowpeas, velvet beans, or crotalaria, or any mixture of these, is seeded in 1939 on all land planted to Type 62 tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disced in before December 31, 1939, after it has attained at least 3 months' growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.

- (3) Grain sorghums planted for any purpose.
- (4) Cotton which reaches the stage of growth at which bolls are first formed.
- (5) Sugarcane grown for any purpose.
- (6) Rice planted for any purpose.
- (7) Peanuts harvested for nuts or dug for hay.
- (8) Broomcorn harvested for any purpose.
- (9) Annual truck and vegetable crops, including melons and sweetpotatoes, planted for any purpose except when grown in home gardens for use on the farm.
- (10) Perennial truck and vegetable crops, including strawberries, harvested for any purpose except when grown in home gardens for use on the farm.
- (11) Potatoes planted for any purpose except when grown in home gardens for use on the farm.
- (12) Canning peas and freezing peas harvested for any purpose except when grown in home gardens for use on the farm.
- (13) Small grains:
 - (a) Wheat on a farm for which a wheat acreage allotment is established if considered as planted in accordance with the definition in section 2 H; or
 - (b) Wheat, oats, barley, or rye (alone or in mixtures), on any farm, harvested for grains, or harvested for hay, except when
 - (i) used as a nurse crop for legumes or perennial grasses of which a good stand is established in 1939 and the nurse crop is cut green for hay, or
 - (ii) grown in a mixture containing at least 25 percent by weight of winter legumes.
- (14) Sudan grass or millet harvested for grain or seed.
- (15) Sweet sorghums harvested for any purpose.
- (16) Soybeans harvested for seed for crushing.

NON-CROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of "soil-depleting acreage" above except sugarcane for sugar and the crops for which special allotments are established on the farm, including Type 45 tobacco.

SPECIAL CROPS OR SPECIAL ALLOTMENTS means cotton, wheat, tobacco (except Type 45), rice, peanut, vegetable, or potato allotments.

ANIMAL UNIT means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

Issued December 30, 1938, with the approval of the Administrator.

I. W. DUGGAN,
Director, Southern Division.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
SOUTHERN DIVISION

1939 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION

SOUTHERN REGION BULLETIN 301 FOR THE B AREA
(Revised)

(Applicable to farms in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and all counties in Arkansas except Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Prairie (except Area II), Randolph (except Area I), Searcy, Sharp, Stone, Van Buren, and Washington)

[A compilation of the provisions of the 1939 Agricultural Conservation Program, effective as of August 24, 1939]

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Pursuant to the provisions of the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program) Bulletin (ACP-1939), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration (hereinafter referred to as the A. A. A.), payments and grants of aid will be made for participation in the B area of the Southern Region in the 1939 program in accordance with the provisions of this Southern Region Bulletin 301 for the B Area (SRB-301B) and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1939 program contained in this bulletin (except section 11 B) are not applicable to Manatee, Marion, Palm Beach,

Sarasota, and Seminole counties, Florida, or to land in which the beneficial ownership is in the United States.

Section 1. COTTON

A. National Goal.—The 1939 national goal for cotton is 27,000,000 to 29,000,000 acres.

B. National and State Allotments.—(1) The national cotton allotment is 26,115,804 acres.

(2) The State cotton allotments are as follows:

<i>State</i>	<i>Acres</i>	<i>State</i>	<i>Acres</i>
Alabama -----	2,142,923	Louisiana -----	1,186,180
Arkansas -----	2,275,826	Mississippi -----	2,570,238
Florida -----	77,570	South Carolina -----	1,270,644
Georgia -----	2,101,098		

C. County Allotments.—(1) County allotments shall be determined by prorating the State allotment less a reserve for new cotton farms¹ among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under A. A. A. programs during the 5 years 1933 to 1937, inclusive, except that the county allotments so determined shall be not less than 60 percent of the acreage planted to cotton plus 60 percent of the acreage diverted from cotton in 1937.

(2) If the A. A. A. finds that there is more than one administrative area in any county which, because of differences in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, the county allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton plus the acreage diverted from cotton in 1937; or, if the A. A. A. determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, the allotment shall be distributed on the basis of the cotton base acreages that were determined under the 1937 Cotton Price Adjustment Payment Plan.

D. Farm Allotments.—(1) The county committee with the assistance of the other local committees shall apportion the county allotment² among the farms on which cotton was planted in any one of the years 1936, 1937, or 1938. The allotment for each such farm shall be a percentage³ of the cropland in the farm, excluding the acreage normally devoted to the commercial production of sugarcane for sugar, tobacco, rice, or wheat, for market in any form, except that:

(a) If the highest acreage planted to cotton and diverted from cotton in any one of the 3 years 1936, 1937, or 1938 (hereinafter referred to as the highest cotton acreage) was 5 acres or less, the allotment shall be the highest cotton acreage.

(b) If the highest cotton acreage was more than 5 acres, the allotment shall not be less than 5 acres.

¹ This reserve shall be 2 percent of the State allotment and is to be used in the State in making allotments to farms on which cotton will be planted in 1939, but on which cotton was not planted in any of the years 1936, 1937, or 1938.

² In counties in which the county allotment is not sufficient to make the allotments provided under (a) and (b) of this paragraph (1) or if such allotments result in a substantially smaller allotment for any farm in the county than would have resulted in the absence of the provisions of (a) and (b), a part of a 4 percent State reserve shall be available for apportionment in the county, in accordance with instructions contained in Southern Region Bulletin 302 (hereinafter referred to as SRB-302).

³ This percentage shall be the same for all farms in the county or administrative area.

(c) Notwithstanding the foregoing provisions of this paragraph (1), not more than 3 percent of the county allotment remaining after making the allotments under clauses (a) and (b) above may be apportioned among farms in the county on which cotton was planted in any one of the years 1936, 1937, or 1938, and for which the allotment otherwise provided is less than 15 acres.

In making allotments under clause (c) consideration shall be given to the land, labor, crop rotation practices, soil, and other facilities affecting the production of cotton. In no event shall the apportionment under this clause (c) result in an allotment in excess of 15 acres nor shall any allotment under this paragraph (1) exceed the highest cotton acreage.

(2) After allotments have been made from the 4 percent reserve, as provided in footnote 2, paragraph (1) above, one-half of the remainder, if any, of the 4 percent reserve shall be apportioned to farms for which the allotment otherwise determined is less than 50 percent of the acreage planted to, plus the acreage diverted from, cotton in 1937. The other half of the remainder, if any, of the 4 percent reserve shall be available for increasing the farm allotments which are determined in accordance with the provisions of SRB-302 to be inadequate and not representative in view of past production of cotton on the farm, except that the allotment for any farm shall not be increased under this paragraph above the highest cotton acreage nor above 40 percent of the cropland.

(3) Notwithstanding the provisions of paragraphs (1) and (2) above, the allotment for any farm shall be increased by the amount necessary to provide an allotment of not less than 50 percent of the acreage planted to cotton and diverted from cotton in 1937, except that the allotment for any farm shall not be increased under this paragraph to more than 40 percent of the cropland.

(4) The 2 percent reserve provided under subsection C (1) of this section shall be available for apportionment to farms on which cotton will be planted in 1939 for the first time since January 1, 1936. This apportionment shall be made in accordance with the provisions of SRB-302 and shall result, insofar as such reserve will permit, in comparable allotments to farms which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical facilities affecting the production of cotton.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1934 to 1938, inclusive, adjusted for abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions,

type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county or administrative area (weighted by the allotments established for such farms) shall not exceed the average yield established for the county or administrative area.

F. Payments.—The payment is **1.8 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there shall be a deduction at the rate of **3.6 cents** for each pound of the normal yield of the excess acres, except that no payment whatsoever will be made under the program to any farm on which the cotton allotment is knowingly overplanted.

G. Acreage Planted to Cotton means the acreage seeded to cotton, the staple of which is normally less than 1½ inches in length, which reaches the stage of growth at which bolls are first formed.

Section 2. WHEAT

A. National Goal.—The 1939 national goal for wheat is 55,000,000 to 60,000,000 acres.

B. National and State Allotments.—(1) The national wheat allotment is 55,000,000 acres.

(2) The State wheat allotments are as follows:

<i>State</i>	<i>Acres</i>	<i>State</i>	<i>Acres</i>
Alabama-----	4, 734	Mississippi-----	74
Arkansas-----	65, 115	South Carolina-----	110, 846
Georgia-----	123, 630		

C. County Allotments.—County allotments shall be established by distributing the State allotment among the counties pro rata on the basis of the acreage planted to wheat plus the acreage diverted from wheat during the 10 years 1928 to 1937, inclusive, with adjustments for trends in acreage and abnormal weather conditions.

D. Farm Allotments.—(1) The county committee, with the assistance of other local committees, shall apportion the county allotment among the farms on which wheat was planted for harvest in one or more of the 3 years 1936, 1937, or 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Allotments for 1939 will be established for all farms on which 100 bushels or more of wheat are normally produced for market.

(2) Not more than 3 percent of the county allotment shall be apportioned to farms on which wheat was not planted for harvest in any one of the 3 years 1936, 1937, or 1938, but on which wheat is planted for harvest in 1939. This apportionment shall be made on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotments for all farms in the same community which are similar with respect to such factors shall be comparable.

E. Usual Acreages.—Usual acreages of wheat shall be established for all farms for which a wheat allotment is not established and on

which the normal acreage of wheat harvested for grain or hay is more than 8 acres. In accordance with the provisions of SRB-302, the usual acreage shall be determined on the basis of the past acreage with due allowance for abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography.

F. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal wheat yield for each farm having a wheat allotment.

(1) The normal yield shall be the actual average yield of wheat per acre for the 10 years 1928 to 1937, inclusive, adjusted for trends in yields and abnormal weather conditions in accordance with the provisions of SRB-302, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 10-year period reliable records of the actual yield are not available or there was no actual yield because wheat was not planted on the farm in such year, the normal yield for the farm shall be the yield which, the county committee determines, was or could reasonably have been expected on the farm for such 10-year period on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the allotments established for such farms) shall not exceed the average yield established for the county.

G. Payments.—The payment is **17 cents** for each bushel of the normal yield for each acre in the wheat allotment. For a farm for which a wheat allotment is established there shall be a deduction at the rate of **50 cents** for each bushel of the normal yield of the acreage planted to wheat in excess of the allotment. For a farm on which no wheat allotment is established there shall be a deduction computed on the above basis for the acreage of wheat classified as soil-depleting under section 15 in excess of the larger of (1) the usual acreage or (2) 8 acres.

H. Acreage Planted to Wheat (for a farm on which a wheat allotment is established) means (1) any acreage seeded to wheat which is on the farm on or after December 15, 1938 (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1939; and (3) any acreage which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay: *Provided*, That if because of uncontrollable causes any producer, prior to December 15, 1938, and prior to planting time, did not have a reasonable opportunity to adjust his wheat acreage to his wheat allotment, there shall be excluded from the acreage planted to wheat any acreage of wheat which does not reach maturity and is disposed of by April 15, 1939: *Provided further*, That in no event shall the acreage regarded as planted to wheat be less than the acreage used

in computing the final total insured production for adjusting losses for crop insurance.

Section 3. PEANUTS

A. National Goal.—The 1939 national goal for peanuts is 1,550,000 to 1,650,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments in the commercial peanut-producing areas shall be established by distributing the State allotment among such counties on the basis of the peanut base acreage established under the 1937 program and the 1937 acreage of peanuts for market, taking into consideration trends in acreage on commercial peanut-producing farms. The following counties are in the commercial peanut-producing area:

ALABAMA.—Barbour, Bullock, Butler, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Lee, Monroe, Montgomery, Pike, and Russell.

FLORIDA.—Jackson and Holmes.

GEORGIA.—All counties.

D. Farm Allotments.—In commercial peanut-producing areas the county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts customarily grown for market and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for market for each farm having a peanut allotment. The normal yield shall be the yield which may reasonably be expected from the land devoted to peanuts for market in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of peanuts customarily made on the farm. The average yield for all farms in any county shall not exceed the average yield of peanuts established for the county.

F. Payments.—The payment is 15 cents for each hundred pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of \$1.25 for each hundred pounds of the normal yield of the excess acreage.

G. Peanuts for Market means all peanuts separated from the vines by mechanical means and from which the principal part of the production is sold to persons not living on the farm.

Section 4. RICE

A. National Goal.—The 1939 national goal for rice is 850,000 to 880,000 acres.

B. National and State Allotments.—(1) The national rice allotment is 861,076 acres.

(2) The State rice allotments are as follows:

State	Acrea
Arkansas-----	147, 317
Louisiana-----	412, 039

C. Allotments.—(1) The county committee, with the assistance of other local committees and the approval of the State committee, shall determine a rice allotment for each producer who is participating in the production of rice in 1939 and who participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive, on the basis of the past production of rice adjusted to the acreage adapted to the production of rice on the land he will operate in 1939, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural conservation programs, and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(2) An acreage not to exceed 3 percent of the State allotment shall be apportioned among producers who are participating in the production of rice in 1939 for the first time since January 1, 1934, on the basis of the applicable standards of apportionment set forth in this subsection, except that the allotment for any farm operated by any person(s) who is participating in the production of rice in 1939 for the first time since January 1, 1934, shall not exceed 75 percent of the allotment which would have been made to the farm had such person(s) participated in the production of rice in one or more of the 5 years 1934 to 1938, inclusive.

D. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal rice yield for each farm having a rice allotment.

(1) The normal yield of rice for the farm shall be the actual average yield of rice per acre for the 5 years 1934 to 1938, inclusive, if reliable records of the actual average of such yields are presented by the farmer or are available to the committee.

(2) If for any year of such 5-year period records of the actual yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under paragraph (1) of this subsection.

(3) If the average of the normal yields for all farms participating in the 1939 program in the State (weighted by the allotments) exceeds the average yield per acre for the State during the 5 years 1934 to 1938, inclusive, established by the Secretary, the normal yields for such farms, determined under paragraphs (1) and (2) of this subsection, shall be reduced pro rata so that the average of such normal yields shall not exceed the State average yield.

E. Payments.—The payment is 9 cents for each 100 pounds of the normal yield for each acre in the rice allotment. If the acreage planted to rice is in excess of the rice allotment, there shall be a deduction at the rate of 72 cents for each 100 pounds of the normal yield of the excess acres.

Section 5. COMMERCIAL VEGETABLES

A. Farm Allotments.—In commercial vegetable-producing areas the county committee, with the assistance of other local committees,

shall establish a vegetable allotment for each farm on which the average acreage of land planted to commercial vegetables in 1936 and 1937 was 3 acres or more. In accordance with the provisions of SRB-302, the allotment shall be the average acreage of land planted to commercial vegetables in 1936 and 1937. The following counties are in the commercial vegetable-producing area:

FLORIDA.—Alachua, Bradford, Broward, Collier, Dade, DeSoto, Escambia, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, Union, and Volusia.

LOUISIANA.—Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. Johns, and Tangipahoa.

MISSISSIPPI.—Copiah and Hines.

B. Payments.—The payment is \$1.50 for each acre in the vegetable allotment. There shall be a deduction at the rate of \$20.00 for each acre of land planted to commercial vegetables in excess of the larger of (1) the allotment or (2) 3 acres.

C. Commercial Vegetables means the acreage of vegetables or truck crops (including potatoes on farms where no potato allotment is established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, commercial bulbs and flowers, and strawberries, but excluding peas and sweet corn for canning, and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

Section 6. IRISH POTATOES

A. National Goal.—The 1939 national goal for potatoes is 3,100,000 to 3,300,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments in the commercial potato-producing areas shall be established by distributing the State allotment among the counties in such areas in the State on the basis of the average acreage planted to potatoes in such counties during the 5 years 1933 to 1937, inclusive, taking into consideration the acreage on non-commercial potato-producing farms and trends in the acreage of potatoes on non-commercial potato-producing farms. The following counties are in the commercial potato-producing area:

GEORGIA.—Chatham.

SOUTH CAROLINA.—Beauford, Charleston, Colleton, Hampton, Horry, Jasper, and Orangeburg.

D. Farm Allotments.—In commercial potato-producing areas the county committee, with the assistance of other local committees, shall establish a potato allotment for each farm on which the acreage of potatoes normally produced for market is 3 acres or more. Allotments shall be established on the basis of good soil management, tillable acreage, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal potato yield

for each farm having a potato allotment. The normal yield shall be the yield which may reasonably be expected from the land planted to potatoes in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of potatoes customarily made on the farm. The average yield for all farms in the county shall not exceed the average yield established for the county.

F. Payments.—The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment. For a farm for which an allotment is established there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the allotment. For a farm for which no allotment is established in a commercial potato-producing area, which is not in a commercial vegetable area, the deduction shall be made at the rate of **30 cents** for each bushel of the normal yield of each acre planted to potatoes for market in excess of 3 acres. In commercial vegetable-producing areas potatoes planted for market will be considered as commercial vegetables on farms for which potato allotments are not established and the deduction for excess acreage of commercial vegetables will be applicable on such farms.

Section 7. TOBACCO

A. National Goals.—The 1939 national goal for—

- (1) Flue-cured tobacco is 860,000 to 900,000 acres.
- (2) Burley tobacco is 375,000 to 410,000 acres.
- (3) Georgia-Florida Type 62 tobacco is 2,800 to 3,000 acres.

B. National and State Allotments.—(1) The national tobacco allotments are as follows:

(a) Flue-cured	884,400 acres
(b) Burley	405,000 acres
(c) Georgia-Florida Type 62	3,000 acres

(2) The State tobacco allotments are as follows:

(a) FLUE-CURED TOBACCO:

State	Acres
Alabama	500
Florida	14,600
Georgia	86,000
South Carolina	96,000

(b) BURLEY TOBACCO:

State	Acres
Alabama	177
Arkansas	67
Georgia	157
South Carolina	112

(c) GEORGIA-FLORIDA TYPE 62 TOBACCO:

State	Acres	Acres
Florida	2,349	
Georgia	551	
Reserve for new farms and adjustments		100
Total		3,000

C. County Allotments.—County allotments for each kind of tobacco shall be established by distributing the State allotment among the counties on the basis of the allotments of each such kind of tobacco established under the 1938 program, taking into consideration allotments for small farms, trends in acreage, plant bed and other diseases.

D. Farm Allotments.—The county committee, with the assistance of other local committees, shall determine an acreage allotment for each kind of tobacco on the basis of past acreage and production of

each kind of tobacco with due allowance for the effects of abnormal weather conditions and plant bed and other diseases; land, labor, equipment, crop rotation practices, soil, and other physical factors affecting the production of tobacco. The allotment for any farm on which tobacco was grown in one or more of the years 1935 to 1938, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors, except that, in the case of flue-cured and Burley tobacco, special consideration shall be given to farms for which allotments are small. The allotment for any farm on which tobacco is to be produced in 1939 for the first time since January 1, 1935, shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since January 1, 1935, which are similar with respect to land, labor, equipment, crop rotation practices, soil, and other physical factors affecting the production of tobacco.

E. Farm Normal Yields.—The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm having a tobacco allotment. The normal yield shall be the yield which may reasonably be expected from the land devoted to tobacco in 1939 with due consideration for type of soil, drainage, production practices, general fertility of the land, and the yield of tobacco customarily made on the farm. The average yield of each kind of tobacco for all farms in the county shall not exceed the average yield established for the county.

F. Payments.—The payment is **0.8 cent** in case of flue-cured and Burley, and **1.5 cents** in case of Georgia-Florida Type 62, for each pound of the normal yield for each acre in the tobacco allotment. If the acreage of tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of:

(1) **2 cents** per pound of the normal yield for the farm for each acre of Burley or flue-cured tobacco harvested in excess of the larger of (a) the applicable tobacco allotment established for the farm, but not in excess of 110 percent of such allotment, or (b) one-tenth of an acre; and

(2) **8 cents** per pound of the normal yield for the farm for each acre of Burley or flue-cured tobacco harvested in excess of the larger of (a) 110 percent of the applicable tobacco allotment established for the farm, or (b) the applicable tobacco allotment plus one-tenth of an acre; or

(3) **8 cents** per pound of the normal yield for the farm for each acre of Georgia-Florida Type 62 tobacco harvested in excess of the Georgia-Florida Type 62 tobacco allotment established for the farm.

Section 8. TOTAL SOIL-DEPLETING CROPS

A. National Goal.—The 1939 national goal for total soil-depleting crops is 270,000,000 to 285,000,000 acres.

B. National and State Allotments.—National and State allotments will be established by the Secretary.

C. County Allotments.—County allotments of total soil-depleting crops shall be established by distributing the State allotment of total soil-depleting crops among the counties on the basis of the total soil-depleting allotments established under the 1938 program, with due allowance for trends in acreage of soil-depleting crops, changes in

area designations, and crop classifications, the acreage of food and feed crops needed for home consumption in the county, and the relationship of the special allotments established for 1938 to the special allotments established for 1939.

D. Farm Allotments.—The county committee with the assistance of other local committees shall establish a total soil-depleting allotment for each farm for which a special allotment (excluding a vegetable allotment) is established and on which general crops or livestock are produced for market. The total allotment for any farm shall be established on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of total soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable for all farms in the same community which are similar with respect to the above factors.

E. Deductions.—There shall be a deduction at the rate of \$5.00 for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreage of special crops for which deductions are computed, or (2) the acreage on which cotton is planted and tobacco is harvested plus 20 acres.

Section 9. SOIL BUILDING

A. National Goal.—The 1939 national soil-building goal shall be the conservation of cropland not required in 1939 for the growing of soil-depleting crops and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent water erosion.

B. County Goals.—Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent water erosion.

C. Farm Goals.—The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The goal shall represent the number of units of applicable practices to be carried out. The county committee shall assist farmers in determining what practices are to be carried out in meeting the goal. These practices should be those most needed to conserve and improve soil-fertility and prevent water erosion, and should not be routine farming practices.

D. Payments.—The maximum payment which may be earned for carrying out soil-building practices is the sum of the following:

(1) **70 cents** per acre of cropland in excess of the sum of (a) the allotment for special crops (excluding commercial vegetables) and (b) the acreage of sugarcane for sugar grown on the farm in 1939.

(2) **\$1.50** per acre of commercial orchards on the farm on January 1, 1939.

(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land.

For each unit by which the soil-building goal is not reached there shall be a deduction at the rate of \$1.50 a unit from the maximum payment which may be earned by carrying out soil-building practices.

E. Practices.—The soil-building practices listed below shall count toward reaching the soil-building goal to the extent indicated, when they are carried out in 1939 in accordance with specifications issued by the Director of the Southern Division or by the State committee with the approval of the Director of the Southern Division. Each practice must be performed in a workmanlike manner and in accordance with good farming practices for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the A.A.A. shall not be counted toward reaching the goal. If a part of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the A.A.A. and such part represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward reaching the goal; if such part represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward reaching the goal, except that labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any * * * State agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amount specified shall be counted as **one unit**:

1. Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, annual ryegrass, or permanent pasture which are not seeded or grown with a soil-depleting crop.

2. Application of 500 pounds of basic slag or rock phosphate (including colloidal phosphate) to, or with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, Lespedeza, crotalaria, Natal grass, annual ryegrass, or permanent pasture, which are not seeded or grown with a soil-depleting crop.⁴

3. Application of 1,000 pounds of ground limestone or its equivalent.

4. Application of not less than 2 tons, air dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land.

5. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

6. Contour ridging of non-crop open pasture land—750 linear feet of ridge or terrace.

⁴ In Florida the application of the following material is required to count as one unit:

(a) 500 pounds of basic slag.
 (b) 600 pounds of raw rock or colloidal phosphate containing not less than 28 percent of total phosphorous pentoxide (P_2O_5) and ground fine enough for 85 percent to pass through a 200-mesh screen.
 (c) 750 pounds of raw rock or colloidal phosphate containing not less than 18 percent of total phosphorous pentoxide (P_2O_5) and ground fine enough for 80 percent of the raw rock phosphate to pass through a 100-mesh screen, and for the colloidal phosphate to shake through a 6-mesh screen and 85 percent of it to wash through a 325-mesh screen.

7. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

B. **Each acre** of the following shall be counted as **one unit**:

8. Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop) or mixtures (other than a mixture consisting solely of timothy and redtop) containing perennial grasses, perennial legumes, or biennial legumes (except any of those crops qualifying at a higher rate of credit under this section).

9. Seeding winter legumes, annual Lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover.

10. Green manure crops and cover crops (excluding (1) Lespedeza and (2) any crop for which credit is given in 1939 under any other practice) of which a good stand and good growth is (a) plowed or disced under on land not subject to erosion, or if subject to erosion, such crop is followed by a winter cover crop or (b) left on land subject to erosion or in orchards or on commercial vegetable or potato land, or on cropland in a regular cropping rotation.

C. **Each acre** of the following shall be counted as **two units**:

11. Seeding adapted varieties of alfalfa.

12. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, carpet, or Bahia grass.

13. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between January 1, 1936, and January 1, 1939.

D. **Each acre** of the following shall be counted as **three units**:

14. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

E. **Each acre** of the following shall be counted as **four units**:

15. Establishment of a permanent vegetative cover by planting crowns of Kudzu.

F. **Each acre** of the following shall be counted as **five units**:

16. Planting forest trees, provided a good stand is obtained and such trees are protected and cultivated in accordance with approved tree culture.⁵

G. **Each two acres** of the following shall be counted as **one unit**:

17. Summer legumes (interplanted or grown in combination with soil-depleting crops) not classified as soil-depleting, of which a good stand and a good growth is obtained and is not harvested, excluding peanuts hogged off.

H. **Each four acres** of the following shall be counted as **one unit**:

18. Contour listing or furrowing non-crop pasture land.

19. Stripcropping with alternate strips of close-grown crops and intertilled crops.

Section 10. DIVISION OF PAYMENTS AND DEDUCTIONS

A. **Payments and Deductions for Acreage Allotments.**—(1) The net payment or net deduction computed for any farm for special crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage

⁵ In Florida the planting and protection of forest trees for which a credit of 5 units an acre is given is limited to trees planted on cropland and in farm woodlots the acreage of which does not exceed the acreage of cropland in the farm. A credit of 2 units an acre is given for trees planted and protected in noncrop pasture land which is open and fenced.

shares) that such persons are entitled, at the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) on the farm in 1939; *Provided*, That if because of crop failure the harvested acreage of any such crop(s) is less than the planted acreage of such crop(s) and the county committee finds, in accordance with instructions issued by the A. A. A., that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage planted to such crop(s) in 1939 had been harvested; *Provided further*, That if any such crop(s) is not grown on the farm in 1939, the net payment or net deduction computed for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage in such acreage allotment had been planted and harvested in 1939; *Provided further*, That if for any reason the total acreage of cotton on the farm in 1939 is less than 80 percent of the cotton acreage allotment established for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1939 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1939, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1939.

(2) The deduction for exceeding the total soil-depleting allotment shall be regarded as a pro rata deduction with respect to special crops.

B. Soil-Building Practice Payments.—The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practice. If the county committee determines that more than one person contributed to the carrying out of soil-building practices in 1939, the payment shall be divided in the proportion that the units contributed by each eligible person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion in which the county committee determines each person contributed thereto.

C. Proration of Net Deductions.—If a net payment is computed for a farm as a whole, but a net deduction is computed for one or more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

Section 11. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

A. Increase in Small Payments.—The total payment computed under sections 1 to 10, inclusive, for any person on any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents, but less than \$1.00, shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(¹)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(²)

¹ Increase to \$200.00.

² No increase.

B. Payments Limited to \$10,000.—The total of all payments made under the 1939 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made under the 1939 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including any payment received in Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000. All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

C. Deductions Incurred on Other Farms.—(1) The net deduction computed for any landlord or tenant under section 10 C shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

D. Deduction for Association Expenses.—There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

E. Payment Restricted to Effectuation of Purposes of the Program.—(1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld if (a) he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) on forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.⁶

⁶ In cases where the county committee determines that a person has used or has permitted, procured, or consented to the use of a cotton marketing card contrary to the purposes for which it was intended to be used in the "Regulations Pertaining to Cotton Marketing Quotas for the 1938-1939 Marketing Year" (designated Cotton 207), and such action results in erroneous county office records of the amount of cotton produced in 1938 on the farm in which such person has an interest, all of the payment which such person would otherwise receive under the 1939 program shall be withheld if, as a result of such action, the 1938 yield computed for the farm on the basis of the erroneous production is reflected in the normal yield initially established for the farm under the 1939 program. The county

(2) No payments, except those for carrying out soil-building practices, shall be computed for any farm which is otherwise idle in 1939.

F. Payment Computed and Made Without Regard to Claims.—

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.—If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to him under the 1938 program, payments to the landlord under the 1939 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments shall not be greater than the amount that would otherwise be made to him if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1939 program.

II. Assignments.—Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A.

Nothing contained in this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

I. Excess Cotton Acreage.—Any person who makes application for payment with respect to any farm located in a county in which

committee shall address a registered letter, return receipt requested, to each person whose payment is withheld pursuant to the above. The letter should state the reason the payment is denied and should also state that the person has the right of appeal if filed in writing within 15 days after the letter is mailed. A copy of the appeals procedure should be enclosed.

cotton is planted in 1939 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1939 on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1939, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1939 on acreage in excess of the cotton allotment established for the farm for 1939 shall not be eligible for any payment under the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such allotment if notice of the allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless he establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

J. Use of Soil-Conserving Crops for Market.—In Drew, Pope, and Yell Counties, Arkansas; Cameron County, Louisiana; and Forrest County, Mississippi, payment will not be made to any farm unless (1) the increase above normal in the number of dairy cows does not exceed two cows, or (2) there is an acreage of cropland equal to the amount by which the usual or normal acreage of soil-depleting crops on the farm exceeds the larger of the total soil-depleting allotment or the acreage classified as soil-conserving crops which are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of 10 percent or less of the milk, or products thereof, produced on the farm.

Section 12. MATERIALS FURNISHED TO CARRY OUT SOIL-BUILDING PRACTICES

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the A. A. A., to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the A. A. A., in any county, State, or other area. This deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom such materials are furnished shall agree (1) that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary, and (2) that if the producer uses the materials in a manner which is not in substantial accord with the purposes for which they are furnished, the deduc-

tion for the materials misused shall be twice the regular rate of deduction.

Section 13. APPLICATION FOR PAYMENT

A. Persons Eligible to File Applications.—An application for payment for a farm may be made by any person who, under the provisions of section 10, shares in the payment which may be computed for any farm, and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm, or (2) who is owner or operator of such farm and participated thereon in 1939 in carrying out approved soil-building practices.

B. Time and Manner of Filing Application and Information Required.—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. Application for Other Farms.—If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof.

Section 14. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days

after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Section 15. DEFINITIONS

For the purposes of the 1939 program:

SOUTHERN REGION means the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

AREA B means Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and all counties in Arkansas except Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Prairie (except Area II), Randolph (except Area I), Searcy, Sharp, Stone, Van Buren, and Washington.

PERSON means an individual, partnership, association, corporation, estate, or trust, and if applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD means a person who owns land and rents such land to another person or operates such land.

SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon, or the proceeds thereof.

TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon, and, in the case of rice, also means a person furnishing water for a share of the rice.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the A. A. A., determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

CROPLAND means farm land which in 1938 was tilled or was in a regular rotation.

COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm

on January 1, 1939 (excluding non-bearing orchards and vineyards), from which the principal part of the production is normally sold.

SOIL-DEPLETING ACREAGE means the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(1) Corn planted for any purpose except sweet corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.⁷

(3) Grain sorghums planted for any purpose.

(4) Cotton which reaches the stage of growth at which bolls are first formed.

(5) Sugarcane grown for any purpose.

(6) Rice planted for any purpose.

(7) Peanuts harvested for nuts or dug for hay.

(8) Broomcorn harvested for any purpose.

(9) Annual truck and vegetable crops, including melons and sweetpotatoes, planted for any purpose except when grown in home gardens for use on the farm.

(10) Perennial truck and vegetable crops, including strawberries, harvested for any purpose except when grown in home gardens for use on the farm.

(11) Potatoes planted for any purpose except when grown in home gardens for use on the farm.

(12) Canning peas and freezing peas harvested for any purpose except when grown in home gardens for use on the farm.

(13) Small grains:

(a) Wheat on a farm for which a wheat acreage allotment is established if considered as planted in accordance with the definition in section 2 H; or

(b) Wheat, oats, barley, or rye (alone or in mixtures), on any farm, harvested for grains, or harvested for hay, except when

(i) used as a nurse crop for legumes or perennial grasses of which a good stand is established in 1939 and the nurse crop is cut green for hay, or (ii) grown in a mixture containing at least 25 percent by weight of winter legumes.⁸

(14) Sudan grass or millet harvested for grain or seed.

(15) Sweet sorghums harvested for any purpose.

(16) Soybeans harvested for seed for crushing.

⁷ Each acre of Georgia-Florida Type 62 tobacco shall be classified as eight-tenths ($\frac{8}{10}$) of an acre soil-depleting if—

(a) An average of at least four top leaves is left on each stalk on all of the acreage of Type 62 tobacco grown on the farm in 1939 and all such stalks are cut within 7 days after harvesting of the other leaves is completed and either left on the land for the remainder of 1939 or plowed under, and

(b) A cover crop of sorghum, cowpeas, velvet beans, or crotalaria, or any mixture of these, is seeded in 1939 on all land planted to Type 62 tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disced in before December 31, 1939, after it has attained at least 3 months' growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.

⁸ In cases where a good stand of legumes or grasses is not on the farm when performance is finally checked, a good stand shall be considered to have been established if the county committee finds that the legumes or grasses were seeded in a workmanlike manner in accordance with the specifications issued for soil-building practices and (a) the failure to have a good stand was due to flood or drought conditions which prevented the establishment of a good stand on farms generally in the community, or (b) the failure to have a good stand was due to grasshoppers or other insects and the farm operator made every reasonable effort to prevent damage by insects, including in any event cooperation in the insect control programs of the Bureau of Entomology and Plant Quarantine in any area in which these programs are in effect.

NON-CROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of "soil-depleting acreage" above except sugarcane for sugar and the crops for which special allotments are established on the farm, including Type 45 tobacco.

SPECIAL CROPS OR SPECIAL ALLOTMENTS means cotton, wheat, tobacco (except Type 45), rice, peanut, vegetable, or potato allotments.

ANIMAL UNIT means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

Issued, with the approval of the Administrator.

I. W. DUGGAN,
Director, Southern Division.

AUGUST 24, 1939.

Issued November 7, 1938.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1939 AGRICULTURAL CONSERVATION PROGRAM FOR THE
FLORIDA CELERY AREA

SOUTHERN REGION BULLETIN 301

Sec. I. - Authority, availability of funds, and applicability.

(a) Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1939, payments and grants of aid will be made for participation in the 1939 Agricultural Conservation Program for the Florida Celery Area (hereinafter referred to as the 1939 program) in accordance with the provisions hereof and such modifications thereof or other provisions as may hereafter be made.

(b) The provisions of the 1939 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation the rates of payment and deductions with respect to any commodity or item of payment may be increased or decreased by as much as 10 percent.

(c) The provisions of the 1939 program contained herein, except Sec. IX, are not applicable to (1) counties other than those in the Florida celery area; and (2) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Sec. II. - Farm acreage allotments and goals. The county committee, with the assistance of other local committees in the county, shall establish acreage allotments and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments established for the farms in a county shall not exceed the applicable county acreage allotments established for the county by the Secretary, and the sum of the acreage allotments for farms with respect to which allotments are established shall not exceed their proportionate share of the county acreage allotments.

(a) Total soil-depleting acreage allotment. The total soil-depleting acreage allotment for any farm shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, and the acreage of food and feed crops needed for home consumption on the farm, taking into consideration special crop acreage allotments determined for the farm. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors. Total soil-depleting allotments will be determined for all farms on which general crops or livestock is produced for market, except those for which a special crop acreage allotment is not established.

(b) Celery Allotment. Acreage allotments for celery shall be determined on the basis of tillable acreage, crop rotation practices, type of soil, and topography, giving special consideration to small farms. Consideration shall also be given to the other special crop acreage allotments established for the farm. The allotment for any farm shall be comparable to the allotments determined for other farms in the same community which are similar with respect to such factors.

(c) Tobacco Allotment. Acreage allotments for flue-cured tobacco shall be determined on the basis of past acreage and production of flue-cured tobacco with due allowance for the effects of abnormal weather conditions and plant bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The tobacco acreage allotment for any farm on which tobacco was grown in one or more of the years 1935 to 1938, inclusive, shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors: Provided, That special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is to be produced in 1939 for the first time since 1934 shall not exceed 75 percent of the allotment for other farms in the same community on which tobacco was produced since 1934 which are similar with respect to land, labor, and equipment available for the production of tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(d) Potato allotment. In counties included in the commercial potato-producing areas, potato acreage allotments shall be established for each farm on which the acreage normally planted to potatoes for market is determined to be three acres or more. Potato acreage allotments shall be established on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to such factors.

(e) Commercial vegetables. Acreage allotments of commercial vegetables shall be established for each farm on which the average acreage

of land planted to commercial vegetables in 1936 and 1937 was three acres or more. The acreage allotments shall be the average acreage for 1936 and 1937 with adjustments for abnormal weather conditions and taking into consideration the tillable acreage on the farm, type of soil, and production facilities. The sum of the allotments of commercial vegetables established for such farms in a county shall not exceed the sum of the average annual acreages of land planted to commercial vegetables on such farms in 1936 and 1937, except upon approval of the Administrator where it is found that the acreages grown in 1936 and 1937 were substantially reduced because of abnormal weather conditions.

(f) Soil-building goal. The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 of the payment computed for the farm under Sec. V(e).

Sec. III. - Normal yields. The county committee with the assistance of other local committees in the county shall determine for each farm for which a tobacco, celery, or potato acreage allotment is established a normal yield for each such crop in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration. The normal yield of tobacco, celery, or potatoes, as the case may be, for any farms shall be the yield which may reasonably be expected from the land devoted to the production of the crop in 1939 with due consideration for type of soil, production practices, general fertility of the land, and the yield of such crop customarily made on the farm. The average yield for all farms in any county with respect to any such crop shall not exceed the county average yield for the crop established by the Secretary.

Sec. IV. - Soil-building practices. Such of the soil-building practices listed in the following schedule as are carried out in accordance with specifications issued by the State committee with the approval of the Director of the Southern Division shall count toward the achievement of the soil-building goal to the extent indicated therein. The specifications issued shall be such as to assure that the soil-building practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal: Provided, That labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "a State or Federal agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

The unit credits listed below are the maximum units allowable, and the credit for any practice on the item included may be adjusted downward by the State committee with the approval of the Administrator.

Schedule of soil-building practices: (a) Practice unit equivalent - one unit. Each of the following practices in the amounts specified shall be counted as one unit: Provided, That when the materials specified in subparagraphs (1) or (2) of this paragraph are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or Natal grass seeded or grown in connection with a soil-depleting crop, no part of the material applied shall be counted.

(1) Application of 300 pounds of 16 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

(2) Application of 500 pounds of basic slag or rock phosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

(3) Reseeding depleted pastures with good seed of adapted pasture grasses or legumes - 10 pounds of seed.

(4) Application of not less than two tons, air dry weight, of straw or equivalent mulching materials, excluding barnyard and stable manure, per acre in orchards or on commercial vegetable land.

(5) Application of 1500 pounds of ground limestone or its equivalent.

(b) Unit equivalents per acre - one unit. Each acre of the following shall be counted as one unit:

(1) Seeding biennial legumes, perennial legumes, perennial grasses, or mixtures containing perennial grasses, perennial legumes, or biennial legumes (except any of such crops qualifying at a higher rate of credit under any other practice listed in this Sec. IV..

(2) Seeding winter legumes, annual lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover.

(3) Green manure crops and cover crops (excluding (1) lespedeza and (2) any crop for which credit is given in 1939 under any other practice, of which a good stand and good growth is (1) plowed or disced under on land not subject to erosion, or if subject to erosion, such crop is followed by a winter cover crop, or (2) left on land subject to erosion or in orchards or on commercial vegetable or potato land..

(c) Unit equivalents per acre - two units. Each acre of the following shall be counted as two units:

1. Seeding permanent grasses or pasture mixtures containing a full seeding of legumes or grasses, or both.

(d) Unit equivalents per acre - three units. Each acre of the following shall be counted as three units:

1. Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

(e) Unit equivalents per acre - four units. Each acre of the following shall be counted as four units:

1. Establishment of a permanent vegetative cover by planting crowns of kudzu.

(f) Unit equivalents per acre - five units. Each acre of the following shall be counted as five units:

1. Planting forest trees (including shrubs in protective plantings) provided such trees are protected and cultivated in accordance with good tree culture practice.

(g) Acre equivalents per unit - two acres. Each two acres of the following shall be counted as one unit:

1. Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and a good growth is left on the land or plowed or disced under.

(h) Acre equivalents per unit - four acres. Each four acres of the following shall be counted as one unit:

1. Contour listing or furrowing noncrop land (the acreage of this practice shall be computed on the basis of the area so handled, each furrow or strip being considered to occupy an area not in excess of 8-1/4 feet in width).

Sec. V. - Payment for full performance. Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, and for achieving soil-building goals in an amount which shall be the sum of the following:

(a) Flue-cured tobacco. 0.8 cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment.

(b) Potatoes. 3 cents per bushel of the normal yield per acre of potatoes for the farm for each acre in the potato acreage allotment; or, if the acreage planted to potatoes is less than 80 percent of the potato

acreage allotment, payment will be computed on the normal yield of an acreage equal to 125 percent of the acreage planted to potatoes unless the county committee finds that failure to plant 80 percent of such potato acreage allotment was due to flood or drought.

(c) Commercial vegetables. \$1.50 per acre for each acre of the acreage allotment of commercial vegetables established for the farm, or, if the acreage planted to commercial vegetables is less than 80 percent of the commercial vegetable acreage allotment, payment will be computed on an acreage equal to 125 percent of the acreage planted to commercial vegetables unless the county committee finds that failure to plant 80 percent of such acreage allotment was due to flood or drought.

(d) Celery. 2-1/2 cents a crate of the normal yield per acre of celery for the farm for each acre in celery acreage allotment, or, if the acreage planted to celery is less than 80 percent of the celery acreage allotment, payment will be computed on the normal yield of an acreage equal to 125 percent of the acreage planted to celery unless the county committee finds that failure to plant 80 percent of such celery acreage allotment was due to flood or drought: Provided, That the acreage on which payment is made shall not exceed the acreage on which an approved green manure crop is plowed or disced under. Such acreage of the green manure crop shall not count toward meeting the soil-building goal for the farm.

(e) Payments in connection with soil-building practices. (1) \$1.50 per acre of commercial orchards on the farm January 1, 1939.

(2) 70 cents per acre of cropland in any farm in excess of the sum of (1) the acreages used in computing payments with respect to the tobacco, celery, or potato acreage allotments established for the farm, and (2) the acreage of sugarcane for sugar grown on the farm in 1939.

(3) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

Sec. VI. - Payments for partial performance. Payments computed for any farm under the provisions of Sec. V shall be subject to all the following deductions which are applicable to the farm.

(a) Flue-cured tobacco. 8 cents per pound of the normal yield for the farm for each acre of flue-cured tobacco in excess of the tobacco acreage allotment established for the farm.

(b) Potatoes. (i) (Farms for which potato acreage allotments are established) 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the potato acreage allotment.

(ii) (Farms for which potato acreage allotments are not established in commercial potato-producing areas which are not also commercial vegetable-producing areas) 30 cents per bushel of the normal yield for the farm for

each acre planted to potatoes for market in excess of three acres.

(c) Celery. 20 cents per crate of the normal yield for the farm for each acre planted to celery in excess of the celery acreage allotment established for the farm.

(d) Commercial vegetables. (Farms in commercial vegetable areas) \$20.00 per acre for each acre of land planted to commercial vegetables in excess of the usual acreage of commercial vegetables established for the farm or three acres, whichever is greater.

(e) General soil-depleting crops. (Farms for which a total soil-depleting acreage allotment is established) \$5.00 for each acre classified as soil-depleting in excess of (1) the total soil-depleting acreage allotment established for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (d), inclusive, of this Sec. VI, or (2) the acreage of tobacco on the farm plus 20 acres, whichever is greater.

(f) Soil-building goal. \$1.50 for each unit by which the soil-building goal is not reached.

Sec. VII. - Division of payments and deductions. (a) Payments and deductions in connection with acreage allotments. (1) The net payment or net deduction computed for any farm with respect to the tobacco, celery, commercial vegetable, or potato acreage allotment or general soil-depleting crops shall be divided among the landlords, tenants, and sharecroppers in the proportion (as indicated by their acreage shares expressed in terms of either proportionate acreages or percentages) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the tobacco, potatoes, general crops, celery, or commercial vegetables respectively, grown on the farm in 1939: Provided, That in the event tobacco, potatoes, general crops, celery, or commercial vegetables are not harvested in 1939 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deduction, if any, with respect to the acreage allotment or usual acreage for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if such crop(s) had been harvested on the farm in 1939 or if the acreage of such crop(s) had not been so reduced.

(2) In computing such payments and such net deductions with respect to acreage allotments and general crops, the deduction with respect to total soil-depleting crops shall be regarded as pro rata deductions with respect to the payments computed under Sec. V in connection with crop acreage allotments: Provided, That on any farm for which no payment is computed under Sec. V in connection with crop acreage allotments, such deductions shall be divided equally among the landlords and tenants on such farm.

(b) Payments with respect to soil-building practices. The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1939, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1939. All persons contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

(c) Proration of net deductions. If with respect to any farm the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the persons on the farm for whom a net payment is computed in the proration in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm.

Sec. VIII. - Increase in snall payments. The total payment computed under Secs. V to VII, inclusive, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$ 1 to \$1.99	\$0.40	\$32 to \$32.99	\$10.40
2 to 2.99	.80	33 to 33.99	10.60
3 to 3.99	1.20	34 to 34.99	10.80
4 to 4.99	1.60	35 to 35.99	11.00
5 to 5.99	2.00	36 to 36.99	11.20

Continued -

Amount of pay- ment computed	Increase in payment	Amount of pay- ment computed	Increase in payment
\$ 6 to \$6.99	\$2.40	\$37 to \$37.99	\$11.40
7 to 7.99	2.80	38 to 38.99	11.60
8 to 8.99	3.20	39 to 39.99	11.80
9 to 9.99	3.60	40 to 40.99	12.00
10 to 10.99	4.00	41 to 41.99	12.10
11 to 11.99	4.40	42 to 42.99	12.20
12 to 12.99	4.80	43 to 43.99	12.30
13 to 13.99	5.20	44 to 44.99	12.40
14 to 14.99	5.60	45 to 45.99	12.50
15 to 15.99	6.00	46 to 46.99	12.60
16 to 16.99	6.40	47 to 47.99	12.70
17 to 17.99	6.80	48 to 48.99	12.80
18 to 18.99	7.20	49 to 49.99	12.90
19 to 19.99	7.60	50 to 50.99	13.00
20 to 20.99	8.00	51 to 51.99	13.10
21 to 21.99	8.20	52 to 52.99	13.20
22 to 22.99	8.40	53 to 53.99	13.30
23 to 23.99	8.60	54 to 54.99	13.40
24 to 24.99	8.80	55 to 55.99	13.50
25 to 25.99	9.00	56 to 56.99	13.60
26 to 26.99	9.20	57 to 57.99	13.70
27 to 27.99	9.40	58 to 58.99	13.80
28 to 28.99	9.60	59 to 59.99	13.90
29 to 29.99	9.80	60 to 185.99	14.00
30 to 30.99	10.00	186 to 199.99	<u>1/</u>
31 to 31.99	10.20	200 and over	<u>2/</u>

1/ Increase to \$200.

2/ No increase.

Sec. IX. - Payments limited to \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was

designed to evade, or would have the effect of evading, the provisions of this section.

Sec. X. - Deductions incurred on other farms. (a) Other farms in the same county. If the deductions computed under Sec. VI with respect to any farm in a county exceed the payment for full performance on such farm computed under Sec. V, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

(b) Other farms in Florida. If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in Florida if the Florida State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

Sec. XI. - Deduction for association expenses. There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

Sec. XII. - Materials furnished as grants of aid. Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such material to the Agricultural Adjustment Administration in any county, State, or other areas. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section, the producer to whom such materials are furnished shall agree that in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be repaid by him to the Secretary.

Sec. XIII. - General provisions relating to payments. (a) Payment restricted to effectuation of purposes of the program. (1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (a) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) if, by means of any corporation, part-

nership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, with respect to forest land or woodland owned or controlled by him, he has adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments other than payments in connection with soil-building practices shall be computed with respect to any farm which is idle in 1939.

(b) Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this Sec. XIII) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to the landlord for performance on the farm under the 1938 program, payments to the landlord under the 1939 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1938 had been continued in 1939, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or requires such person to refund in whole or in part the amount of any payment which has been or would otherwise be made to such person in connection with the 1939 program.

(d) Assignments. Any person who may be entitled to any payment in connection with the 1939 program may assign this interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration.

Nothing contained in this Sec. XIII shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or

liability if payment is made to the farmer without regard to the existence of any such assignment.

(e) Excess cotton acreage. Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm for 1939 shall not be eligible for any payment under the provisions of the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

Sec. XIV. - Application for payment. (a) Persons eligible to file applications. An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. VII a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1939 in carrying out approved soil-building practices.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) Applications for other farms. If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

Sec. XV. - Appeals. Any person may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any farm in which he has an interest: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State Committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Sec. XVI. - Instructions and forms. The Agricultural Adjustment Administration shall prepare and issue such instructions and forms as may be required in administering the 1939 program.

Sec. XVII. - Definitions. For the purposes of the 1939 program unless the context otherwise requires:

(a) Officials

(1) SECRETARY means the Secretary of Agriculture of the United States.

(2) ADMINISTRATOR means the Administrator of the Agricultural Adjustment Administration.

(3) DIRECTOR OF THE SOUTHERN DIVISION means the person in charge of the agricultural conservation programs in the Southern Region.

(4) STATE COMMITTEE means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in Florida.

(5) COUNTY COMMITTEE means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

(b) Areas

(1) SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(2) FLORIDA CELERY AREA means the following counties in Florida: Manatee, Marion, Palm Beach, Sarasota, and Seminole.

(3) COMMERCIAL POTATO-PRODUCING AREA means counties to be designated by the Administrator as counties normally producing a surplus of potatoes.

(4) COMMERCIAL VEGETABLE-PRODUCING AREA means counties or administrative areas designated by the Administrator as surplus vegetable-producing areas, provided that in no event shall a county be designated if the average acreage of commercial vegetables in the county in 1936 and 1937 was less than 100 acres.

(5) COUNTY means the political or civil division of a State designated as a county.

(c) Farm

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops: Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that:

- (i) There is one crop rotation system on the entire area of land;
- (ii) The yields and productivity of the different ownerships do not vary substantially;
- (iii) The combination is not being made for the purpose of increasing acreage allotments or primarily for the purpose of effecting compliance; and
- (iv) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the cropland is located.

(d) Crops and land uses

(1) ACREAGE PLANTED TO POTATOES means acreage of land seeded to potatoes for any purpose.

(2) ACREAGE PLANTED TO CELERY means acreage of land set to celery for any purpose.

(3) SOIL-DEPLETING ACREAGE means the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(a) Corn planted for any purpose except sweet corn or popcorn grown in home gardens for use on the farm.

(b) Tobacco harvested for any purpose.

(c) Grain sorghums planted for any purpose.

(d) Cotton which reaches the stage of growth at which bolls are first formed.

(e) Sugarcane planted for any purpose.

(f) Rice planted for any purpose.

(g) Peanuts harvested for nuts or dug for hay.

(h) Potatoes planted for any purpose except when grown in home gardens for use on the farm.

(i) Annual truck and vegetable crops planted for any purpose except when grown in home gardens for use on the farm.

(j) Perennial truck and vegetable crops harvested for any purpose except when grown in home gardens for use on the farm.

(k) Canning peas and freezing peas harvested for any purpose except when grown in home gardens for use on the farm.

(l) Soybeans harvested for seed for crushing.

(m) Sweet sorghums, Sudan grass, or millet harvested for grain, seed, or sirup.

(4) GENERAL SOIL-DEPLETING CROPS OR GENERAL CROPS means all crops listed in the definition of soil-depleting acreage except sugarcane for sugar and the crops for which special crop acreage allotments are established on the farm.

(5) COMMERCIAL VEGETABLES means the acreage of vegetables or truck crops (including potatoes on farms where a potato acreage allotment is not established, sweetpotatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding celery, peas for canning, and sweet corn for canning, and artichokes for use other than as vegetables) of which the principal part of the production is sold to persons not living on the farm.

(6) COMMERCIAL ORCHARDS means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1939 (excluding nonbearing orchards and vineyards), from which the principal part of the production is normally sold.

(e) Miscellaneous

(1) PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) LANDLORD means a person who owns land and rents such land to another person or operates such land.

(3) SHARECROPPER means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

(4) TENANT means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

(5) CROPLAND means farm land which in 1938 was tilled annually or in regular rotation.

(6) NONCROP OPEN PASTURE LAND means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(7) SPECIAL CROP ACREAGE ALLOTMENT means a tobacco, celery, or potato acreage allotment.

(8) ANIMAL UNIT means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

(S E A L)

Done at Washington, D. C.
this 7th day of November, 1938.
Witness my hand and the seal of
the Department of Agriculture.

H a w a l l a c e

Secretary of Agriculture.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1939 SHERMAN COUNTY, TEXAS, AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 301

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7(a) of said Act in 1939, payments and grants of aid will be made for participation in the 1939 Sherman County, Texas, Agricultural Conservation Program (hereinafter referred to as the 1939 program) in accordance with the provisions of this bulletin and such modification thereof or other provisions as may hereafter be made.

The provisions of the 1939 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Sherman County under the 1939 Agricultural Conservation Program, and the extent of participation in the Sherman County Program. As an adjustment for participation in the Sherman County Program the rates of payment and deductions specified herein may be increased or decreased by as much as 10 percent.

The provisions of the Sherman County Program (except Sec. 5(b)) are not applicable in the Southern Region to (1) counties other than Sherman County or (2) land in which the beneficial ownership is in the United States.

Section 1. Farm acreage allotments and goals. The county committee, with the assistance of other local committees in the county, shall determine acreage allotments, restoration land goals, and soil-building goals, in accordance with the provisions contained herein and instructions issued by the Agricultural Adjustment Administration (hereinafter referred to as the AAA). The soil-depleting acreage allotments determined for all farms in the county shall not exceed the county acreage allotments established for the county by the AAA, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county acreage allotments.

(a) Soil-depleting acreage allotments. (1) Total soil-depleting acreage allotment. The total soil-depleting acreage allotment for any farm shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special crop acreage allotments determined for the farm. The total soil-depleting acreage allotment for any farm shall be comparable

with the allotments determined for other farms in the same community which are similar with respect to such factors.

(2) Wheat allotment. Acreage allotments of wheat shall be determined for farms on which wheat has been planted for harvest in one or more of the years 1936, 1937, and 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in the county on which wheat was not planted for harvest in any one of the three years 1936, 1937, and 1938, on the basis of the tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. In Sherman County wheat acreage allotments may be established for all farms: Provided, That in no event shall a wheat acreage allotment be established for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or wind erosion control purposes.

(b) Restoration land and soil-building goals. (1) Restoration land goal. The restoration land goal for any farm shall be determined on the basis of the land in the farm which was designated as restoration land under the 1938 Agricultural Conservation Program, and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

(2) Soil-building goal. The soil-building goal for any farm shall be one soil-building practice unit for each acre of cropland, each acre of restoration land, and each 15 acres of non-crop open pasture land in the farm. The county committee shall determine which of the approved practices listed in Sec. 8 of this bulletin and the extent to which each such practice shall count toward meeting the soil-building goal for the farm.

Sec. 2. Maximum farm payment. The maximum payment that may be made with respect to any farm in Sherman County shall be \$1.05, adjusted for productivity, multiplied by the sum of the following: (1) the acreage of cropland, (2) the acreage of restoration land, and (3) one-fifteenth of the acreage of non-crop open pasture land on the farm.

Sec. 3. Net farm payment or deduction. The net payment or net deduction computed for any farm in Sherman County shall be the maximum farm payment less the sum of the following:

(a) Deductions for excess acreages of soil-depleting crops. (1) Wheat. 50 cents per bushel of the normal yield for the farm for each acre of wheat in excess of the wheat acreage allotment, or if no wheat acreage allotment is established for a farm, for each acre planted to wheat.

(2) Total soil-depleting acreage allotments. \$ _____, adjusted for productivity, for each acre of soil-depleting crops in excess of the total soil-depleting acreage allotment, less the acreage for which deduction is made for exceeding the wheat acreage allotment.

(b) Failure to carry out soil-building practices. \$ _____, adjusted for productivity, for each unit by which the soil-building goal is not reached.

(c) Cropping restoration land. \$3.00 for each acre designated in 1938 or 1939 as restoration land, which is plowed or tilled in 1939 for any purpose other than tillage practices to protect the land from wind erosion or tillage operations necessary for the seeding of an approved non-depleting cover crop of which the entire growth is left on the land.

(d) Breaking out of native sod. \$3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established that is broken out during the period November 1, 1938 to October 31, 1939, inclusive, unless the breaking out of such land is approved by the county committee as a good farming practice and an equal acreage of cropland on the same farm is restored to permanent vegetative cover, such cropland to be in addition to that designated as restoration land.

Sec. 4. Division of payments and deductions. The net payment or net deduction computed with respect to any farm shall be divided between the landlord and tenant in proportion to the extent to which such landlord and tenant contribute to the carrying out of soil-building practices on the farm. The tenant shall be deemed to have contributed 80 percent and the landlord 20 percent to the carrying out of soil-building practices on the farm unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were different from such respective percentages, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that each such person contributed to the carrying out of soil-building practices on the farm. On any farm where there is more than one landlord the contribution of each landlord to the carrying out of the soil-building practices shall be deemed to be in proportion to the contribution made by each such landlord to the total soil-depleting acreage allotment established for the farm, unless such landlord establishes to the satisfaction of the county committee that his respective contribution to carrying out the practices was different from such respective percentage, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that such landlord contributed to the carrying out of soil-building practices on the farm.

Sec. 5. General provisions relating to payments and deductions.

(a) Increase in small payments. The total payment computed for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents, but less than \$1.00, shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	\$10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	$\frac{1}{2}$
31.00 to 31.99	10.20	200.00 and over	$\frac{2}{2}$

$\frac{1}{2}$ Increase to \$200.00.

$\frac{2}{2}$ No increase.

(b) Payments limited to \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms and ranching units located within Texas shall not exceed the sum of \$10,000. The total of all payments made under the 1939 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine

places in the United States (including any payment received in Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld, or required to be returned, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

(c) Deductions incurred on other farms. (1) If the deductions computed for any farm in Sherman County exceed the payment computed for such farm, a landlord's or tenant's share of the amount by which the deduction exceeds the payments shall be deducted from the landlord's or tenant's share of the payment which would otherwise be made to him for performance on any other farms in Sherman County.

(2) If the deductions computed for a landlord or tenant for one or more farms in Sherman County exceed the payments computed for such landlord or tenant on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for the landlord or tenant for performance on any other farms in Texas if the State committee finds that the crops grown and practices adopted on the farm for which such deductions are computed substantially offset the contribution to the program made on such other farms.

(d) Deduction for association expenses. There shall be deducted from the payments for any farm all or such part as the Secretary may prescribe of its pro rata share of the estimated administrative expenses incurred or to be incurred by the Sherman County Agricultural Conservation Association.

(e) Payment restricted to effectuation of purposes of the program. (1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (i) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, or (ii) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized.

(2) No payment will be made to any person with respect to any farm which such person owns or operates in Sherman County if the county committee finds that such person has been negligent and careless in his farming operation by failing to carry out approved wind erosion control measures on land under his control to the extent that any part of such land has become a wind erosion hazard in 1939 to the community in which such farm is located.

(f) Excess cotton acreage. Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm for 1939 shall not be eligible for any payment under the provisions of the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

(g) Use of soil-conserving crops for market. Payment will not be made with respect to any farm unless on such farm in 1939 an acreage of cropland or restoration land, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1939: Provided, That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in Sherman County the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the AAA determines either (i) that the farmer has substantially complied with the provisions of this paragraph, or (ii) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of this paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than 10 percent of the milk, or products thereof, produced on the farm. Sherman County, as a whole, shall be deemed to be in substantial compliance with such provisions unless: (1) the number of cows kept for the production of milk in the county exceeds by more than 5 percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed 5 percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds two cows per farm and exceeds two cows per 160 acres of farm land.

The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or the products thereof for market shall be determined for any farm in accordance with instructions issued by the AAA, and the AAA shall determine from the latest available statistics of the Department, and shall announce, the counties not deemed to be in substantial compliance.

As used in this paragraph (g), the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this paragraph (g), the term "soil-conserving crops" means grasses and legumes grown on cropland except those listed in Sec. 7 as soil-depleting.

(h) Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection (j) of this Sec. 5), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(i) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants that would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to him under the 1939 program, payments to the landlord under the 1939 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1939 program.

(j) Assignments. Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the AAA.

Nothing contained in this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

Sec. 6. Application for payment. (a) Persons eligible to file applications. An application for payment for a farm may be made by any person who, under the provisions of Sec. 4, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1939 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

(b) Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of the county committee and making copies of the same available to the press.

(c) Application for other farms. If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must make application for payment on all such farms which he operates or rents to other persons. Upon request of the State committee any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof.

Sec. 7. Soil-depleting acreage. Soil-depleting acreage means any acreage used as follows:

- (1) Corn planted for any purpose except sweet corn or popcorn grown in home gardens for use on the farm.
- (2) Grain sorghums planted for any purpose.
- (3) Broomcorn harvested for any purpose.
- (4) Annual truck and vegetable crops, including melons and sweet-potatoes, planted for any purpose except when grown in home gardens for use on the farm.

- (5) Perennial truck and vegetable crops, including strawberries, harvested for any purpose except when grown in home gardens for use on the farm.
- (6) Potatoes planted for any purpose except when grown in home gardens for use on the farm.
- (7) Wheat planted (or considered as planted in accordance with the definition set out in Sec. 11) for any purpose on farms for which acreage allotments are established.
- (8) Wheat (on farms for which wheat acreage allotments are not established) or oats, barley, and rye, or mixtures containing such crops, on any farm (a) when harvested for grain and (b) when harvested for hay, except (i) when such crops are used as nurse crops for legumes or perennial grasses of which a good stand is established in 1939 and the nurse crop is cut green for hay or (ii) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes.
- (9) Sweet sorghums, Sudan grass, or millet harvested for grain, seed, or syrup.
- (10) Summer-fallowed acreage not protected from wind and water erosion by methods approved by the State committee.

Sec. 8. Soil-building practices. The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein when carried out in 1939 in accordance with specifications, if any, issued by the Director of the Southern Division, and when performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, and materials furnished entirely by any State or Federal agency other than the AAA shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the AAA and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than one-half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

Wind erosion control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on farms, owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or wind erosion control purposes, shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

Schedule of Soil-Building Practices

(a) Each acre of the following, when approved for the farm by the county committee, shall be counted as one unit, except that credit shall not be given for carrying out more than one of such practices on the same acreage:

(1) Leaving on the land, as a protection against wind erosion, the stalks (at least 10 inches in height) of sorghums or Sudan grass, if the operator's farming plan provides that such cover will be left on the land until the spring of 1940.

(2) Contour listing or pit cultivation, or contour cultivation with a shallow-furrowing or shovel-type implement approved by the county committee, on summer-fallowed land provided such practice is carried out in an approved manner before June 15, 1939.

(3) Stripcropping with alternate strips of close-grown crops and intertilled crops or fallow.

(4) Contour farming of intertilled crops.

(5) Natural vegetative cover or small grain stubble of crops harvested in 1939 left on cropland, not tilled after July 1, 1939, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940.

(b) Each acre of the following shall be counted as two units;

(1) Terracing.

(2) Border planting of Sudan grass, sweet sorghums, and millet, the stalks (at least 10 inches in height) of which are left on the land until the spring of 1940.

Sec. 9. Productivity indexes. A productivity index shall be established for each farm by the county committee, with the assistance of other local committees and with the approval of the State committee. Such productivity index shall be based upon the normal yield of wheat per acre for the farm as compared with the normal yield of wheat per acre in Sherman County. Where the yield of wheat does not accurately reflect the productivity of a farm, the yield of grain sorghums or any other crop that reflects the productivity of the farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity.

The average productivity index for all farms in the county shall not exceed 100, unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the AAA.

Sec. 10. Appeals. Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment; (b) any acreage allotment goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm.

The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may appeal in writing to the State committee within 15 days after such decision is forwarded to or made available to him. The State committee shall inform such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may request the Director of the Southern Division to review the decision of the State committee within 15 days after such decision is forwarded to or made available to him.

Sec. 11. Definitions. For the purpose of the 1939 program -

SECRETARY means the Secretary of Agriculture of the United States.

DIRECTOR OF THE SOUTHERN DIVISION means the Director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1939 Agricultural Conservation Program in the Southern Region.

SOUTHERN REGION means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

STATE COMMITTEE means the group of persons designated to assist in the administration of the 1939 Agricultural Conservation Program in Texas.

COUNTY COMMITTEE means the group of persons elected within Sherman County to assist in the administration of the 1939 program.

PERSON means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

LANDLORD means a person who owns land and rents such land to another person or operates such land.

TENANT means a person who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

FARM means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the AAA, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops:

Provided, That land not under the same ownership shall be included in the same farm only if the county committee determines that:

(a) There is one crop rotation system on the entire area of land;

(b) The yields and productivity of the land under different ownerships do not vary substantially;

(c) The combination is not being made for the purpose of increasing allotments or primarily for the purpose of effecting compliance; and

(d) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in Sherman County if the principal dwelling is situated therein, or if there is no dwelling on the farm, it shall be regarded as located in the county in which the major portion of the farm is located.

CROPLAND means farm land which in 1938 was tilled or was in a regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community.

RESTORATION LAND means farm land which is subject to serious wind erosion and is unsuited to continued production of cultivated crops and which was cropped at least once since January 1, 1930, and which is designated by the county committee as land on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored.

NOI-CROP OPEN PASTURE means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

GENERAL SOIL-DEPLETING CROPS means all soil-depleting crops grown in Sherman County other than wheat planted.

ACREAGE PLANTED TO WHEAT means (1) any acreage seeded to wheat which is on the farm on or after December 15, 1938 (except when it is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop that could not be harvested as wheat for grain or seed); (2) any acreage of volunteer wheat which is on the farm after April 15, 1939, and (3) any acreage which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay.

[SEAL]

Done at Washington, D. C.
this 10th day of February, 1939.
Witness my hand and the seal of
the Department of Agriculture.

/s/ H. A. WALLACE
Secretary of Agriculture.

